

YESSICA K. VALLEJO  
FARAH JEAN FRANCOIS V. VICTORY AUTO GROUP LLC

November 30, 2022

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| 2        UNITED STATES DISTRICT COURT                 | 2        A P P E A R A N C E S:                    |
| 3        SOUTHERN DISTRICT OF NEW YORK                | 3  |
| 4        -----X                                       | 4        LAW OFFICES OF AHMAD KESHAVARZ            |
| 5        FARAH JEAN FRANCOIS,                         | 5        Attorneys for Plaintiff                   |
| 6                        Plaintiff,                   | 6        16 Court Street, #2600 Brooklyn           |
| 7        -against-        Case No. 1:22-c-4447-JSR    | 7        New York, New York 11241                  |
| 8        VICTORY AUTO GROUP LLC d/b/a VICTORY         | 8        BY: EMMA CATERINE, ESQ.                   |
| 9        MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a     | 9  |
| 10      VICTORY MITSUBISHI, STAVROS ORSARIS, YESSICA  | 10   |
| 11      VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and | 11   |
| 12      PHILIP ARGYROPOULOS,                          | 12      NICHOLAS GOODMAN & ASSOCIATES, PLLC        |
| 13                        Defendants.                 | 13      Attorneys for Defendants                   |
| 14      -----   | 14      333 Park Avenue South, Suite 3A            |
| 15      VIDEOTELECONFERENCED DEPOSITION OF:           | 15      New York, New York 10010                   |
| 16      YESSICA K. VALLEJO                            | 16      BY: H. NICHOLAS GOODMAN, ESQ.              |
| 17      New York, New York                            | 17   |
| 18      Wednesday, November 30, 2022                  | 18      ALSO PRESENT:                              |
| 19  | 19      Patrick Selvey, Esq.                       |
| 20  | 20      Ahmad Keshavarz, Esq.                      |
| 21  | 21   |
| 22  | 22   |
| 23      Reported by:                                  | 23   |
| 24      Aydil M. Torres, CSR                          | 24   |
| 25      JOB NO. J8894063                              | 25   |
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| 1   | 1  |
| 2   | 2        S T I P U L A T I O N S                   |
| 3   | 3  |
| 4   | 4        IT IS HEREBY STIPULATED AND AGREED        |
| 5      November 30, 2022                              | 5      by and between the attorneys for the        |
| 6      11:08 a.m.                                     | 6      respective parties herein, that filing,     |
| 7   | 7      sealing and certification and the           |
| 8   | 8      same are hereby waived and that the         |
| 9      VTC deposition of                              | 9      questioning attorney shall provide counsel  |
| 10     YESSICA K. VALLEJO, held at the                | 10     for the witness examined herein with a copy |
| 11     offices of Nicholas Goodman &                  | 11     of this examination at no charge.           |
| 12     Associates, PLLC, 333 Park Avenue              | 12   |
| 13     South, New York, New York, pursuant            | 13     IT IS FURTHER STIPULATED AND AGREED         |
| 14     to Notice, before Aydil M. Torres,             | 14     that all objections, except as to the       |
| 15     a Notary Public of the State of                | 15     form of the question shall be reserved      |
| 16     New York.                                      | 16     to the time of the trial.                   |
| 17  | 17   |
| 18  | 18     IT IS FURTHER STIPULATED AND AGREED         |
| 19  | 19     that the within deposition may be signed    |
| 20  | 20     and sworn to before any officer authorized  |
| 21  | 21     to administer an oath, with the same force  |
| 22  | 22     and effect as if signed and sworn to before |
| 23  | 23     the Court.                                  |
| 24  | 24   |
| 25  | 25   |

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|----|---------------------------------------|----|---|
| 1  | THE REPORTER: My name is              | 1  | Yessica K. Vallejo                            |
| 2  | Aydil M. Torres a New York State      | 2  | Q. Have you ever testified in an              |
| 3  | notary public and certified           | 3  | administrative hearing before?                |
| 4  | shorthand reporter. This              | 4  | A. No.  |
| 5  | deposition is being held via          | 5  | Q. If you don't understand my                 |
| 6  | videoconferencing equipment. The      | 6  | question, will you please ask me to rephrase  |
| 7  | witness and reporter are not in the   | 7  | the question?                                 |
| 8  | same room. The witness will be        | 8  | A. For sure.                                  |
| 9  | sworn in remotely pursuant to         | 9  | Q. And if I ask you a question and you        |
| 10 | agreement of all parties. The         | 10 | don't ask me to rephrase the question, is it  |
| 11 | parties stipulate that the            | 11 | reasonable to assume that you understood the  |
| 12 | testimony is being given as if the    | 12 | question?                                     |
| 13 | witness was sworn in person.          | 13 | MR. GOODMAN: Object to the                    |
| 14 | Y E S S I C A K. V A L L E J O,       | 14 | form of the question. Go ahead.               |
| 15 | called as a witness, having been      | 15 | A. Yeah, I mean, if I don't understand        |
| 16 | duly sworn by a Notary Public, was    | 16 | your question, I will ask you to repeat the   |
| 17 | examined and testified as follows:    | 17 | question. So that's fine.                     |
| 18 | THE REPORTER: Please state            | 18 | Q. Sure. So if at any point during            |
| 19 | your name for the record.             | 19 | this deposition, if you are not finished with |
| 20 | THE WITNESS: My name is               | 20 | your answer and I start to ask you another    |
| 21 | Yessica K. Vallejo Diaz.              | 21 | question, please feel free to cut me off, so  |
| 22 | THE REPORTER: Please state            | 22 | I can hear your complete answer. I want to    |
| 23 | your address for the record.          | 23 | hear your complete answer.                    |
| 24 | MR. GOODMAN: Business                 | 24 | Do you understand?                            |
| 25 |                                       | 25 | A. Okay.                                      |
|    | Page 6                                |    | Page 8  |
| 1  | address.                              | 1  | Yessica K. Vallejo                            |
| 2  | THE WITNESS: 4070 Boston              | 2  | Q. And when you testify today, please         |
| 3  | Road. That's Bronx, New York          | 3  | don't guess at anything. I just want to know  |
| 4  | 5 10475, I believe. I am really bad   | 4  | what's within your knowledge, specifically.   |
| 5  | 6 with ZIP. 10475.                    | 5  | Do you understand that?                       |
| 7  | EXAMINATION BY                        | 6  | A. Yes.                                       |
| 8  | MS. CATERINE:                         | 7  | Q. And during the course of the               |
| 9  | Q. Good morning, Ms. Vallejo.         | 8  | deposition, your attorney may be making       |
| 10 | A. Good morning.                      | 9  | certain objections, such as objection to      |
| 11 | Q. Have you ever gone by any other    | 10 | form. Unless instructed not to answer, you    |
| 12 | names or aliases?                     | 11 | are still required to answer the question.    |
| 13 | A. No, my name, Yessica K. Vallejo    | 12 | Do you understand?                            |
| 14 | Diaz.                                 | 13 | A. Yes.                                       |
| 15 | Q. Are you married?                   | 14 | Q. And if you could please answer, as         |
| 16 | A. No, I am not. I am divorced.       | 15 | you have been answering, with oral answers    |
| 17 | Q. Okay. And did you have a different | 16 | and not nodding or saying "uh-huh," so that   |
| 18 | name while you were married?          | 17 | the court reporter has a clear record.        |
| 19 | A. No, same name.                     | 18 | Do you understand?                            |
| 20 | Q. Okay. Have you ever had your       | 19 | A. Yes.                                       |
| 21 | deposition taken before?              | 20 | Q. What steps did you take -- excuse          |
| 22 | A. No.                                | 21 | me?   |
| 23 | Q. Have you ever testified in a court | 22 | MR. GOODMAN: Emma, if I                       |
| 24 | proceeding before?                    | 23 | could just -- one other suggestion            |
| 25 | A. No.                                | 24 | for the rules of a deposition.                |
|    |                                       | 25 | It's very important to let her --             |

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| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                            |
| 2  | let Emma finish asking the question           | 2  | A. I do.                                      |
| 3  | first. The court reporter cannot              | 3  | Q. And other than Mr. Orsaris, who            |
| 4  | take down two people at the same              | 4  | else did you speak with, in preparation for   |
| 5  | time, okay? So you have to let her            | 5  | your deposition today?                        |
| 6  | finish, and then I may object. So             | 6  | A. I mean, I had a meeting with my            |
| 7  | you have to pay attention to the              | 7  | lawyer -- with the lawyers, and that's it.    |
| 8  | pace of it because the court                  | 8  | Q. Okay. And when did you speak with          |
| 9  | reporter can only take one person             | 9  | Mr. Orsaris?                                  |
| 10 | at a time. Sorry, Emma, go ahead.             | 10 | A. About this particular situation?           |
| 11 | MS. CATERINE: No, that's                      | 11 | Q. Yes.                                       |
| 12 | fine.   | 12 | A. I mean, we spoke about it a couple         |
| 13 | Q. As your attorney just said, when           | 13 | of times.                                     |
| 14 | we're talking in normal day-to-day life, it's | 14 | Q. Sure. Let's --                             |
| 15 | natural for us to interject and talk over     | 15 | A. I don't recall, exactly, the date          |
| 16 | each other. But for this, we want to try to   | 16 | and time, but he told me, maybe, two weeks -- |
| 17 | make the job of the court reporter as easy as | 17 | I mean, a week ago, that I had to come in     |
| 18 | possible. So just, you know, take a second.   | 18 | today.  |
| 19 | You know, it can even be helpful, you know,   | 19 | Q. I see. And what documents have you         |
| 20 | to count a couple of seconds in your head,    | 20 | reviewed, in preparation for this deposition? |
| 21 | before you answer the question.               | 21 | A. I took a look at the deal jacket           |
| 22 | Do you understand?                            | 22 | again, so I can refresh my memory about the   |
| 23 | A. Yes.                                       | 23 | sale. Pretty much, that's it.                 |
| 24 | Q. Okay. How old are you?                     | 24 | Q. What is your understanding of --           |
| 25 | A. I am thirty-seven years old.               | 25 | about what this lawsuit is about?             |
|    | Page 10                                       |    | Page 12                                       |
| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                            |
| 2  | Q. And where do you currently reside          | 2  | MR. GOODMAN: Object to the                    |
| 3  | at?   | 3  | form; you can answer.                         |
| 4  | MR. GOODMAN: You don't have                   | 4  | A. Well, they explained to me that the        |
| 5  | to give a street address. If you              | 5  | customer -- what the customer is saying,      |
| 6  | want to state the borough, that's             | 6  | basically. That it's a situation. She says    |
| 7  | okay.   | 7  | that she never purchased a vehicle, that she  |
| 8  | A. Okay, I live in New Medford,               | 8  | never went to the dealership and, I mean, so  |
| 9  | Connecticut.                                  | 9  | on and so forth. That's the reason why we     |
| 10 | Q. What steps did you take in                 | 10 | here today, to find out what really happened  |
| 11 | preparation for your deposition today?        | 11 | on that particular sale.                      |
| 12 | A. I mean, none. I came over here,            | 12 | Q. Okay. Prior to this lawsuit, have          |
| 13 | they told me that it was a couple of          | 13 | you reviewed the documents in the deal        |
| 14 | questions that I have to answer. That's all.  | 14 | jacket?                                       |
| 15 | Q. Okay. And when you say, "they,"            | 15 | A. I didn't review the documents. I           |
| 16 | you are referring to your attorneys?          | 16 | took a look of the documents to see if I can  |
| 17 | A. I am referring to my supervisor,           | 17 | get a better understanding of what's going    |
| 18 | Stavros Orsaris.                              | 18 | on. Remember, this happened over two years    |
| 19 | Q. I am sure Mr. Goodman has told you         | 19 | ago, so...                                    |
| 20 | this already, but I am not going to be asking | 20 | Q. Sure. So you don't have -- do you          |
| 21 | about anything you talked about with your     | 21 | have any memory of what happened on those     |
| 22 | attorneys, because that information is        | 22 | days, other than from your review of the      |
| 23 | privileged. I just want to know about the     | 23 | documents?                                    |
| 24 | general steps you took to prepare for today's | 24 | A. Not -- not really, per se, for this        |
| 25 | deposition. Do you understand?                | 25 | sale.   |

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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 Q. Okay. And in addition to the                | 2 Y-E-S-S-I-C-A, @VictoryMitsubishi.com.         |
| 3 documents in the deal jacket, did you review   | 3 Q. Do you know if anyone else has              |
| 4 anything on your computer in the office?       | 4 searched your work e-mail?                     |
| 5 A. No.   | 5 A. No.   |
| 6 Q. Have you searched for any                   | 6 Q. Do you use any other e-mails in the         |
| 7 documents, in relation to this lawsuit?        | 7 course of your work at Victory Mitsubishi?     |
| 8 A. No.   | 8 A. Not that I recall.                          |
| 9 Q. You're a finance manager at Victory         | 9 Q. Do you use any messaging                    |
| 10 Mitsubishi; is that correct?                  | 10 application at your work, at Victory          |
| 11 A. Correct.                                   | 11 Mitsubishi, like WhatsApp or Signal?          |
| 12 Q. And as a finance manager, you have         | 12 A. No.  |
| 13 access to certain documents and information   | 13 Q. Have you searched your telephone           |
| 14 at Victory Mitsubishi that other employees do | 14 records or bills for calls or text messages   |
| 15 not have access to, correct?                  | 15 related to this lawsuit?                      |
| 16 A. Explain yourself.                          | 16 A. No.  |
| 17 Q. Sure. In your job as a finance             | 17 Q. Do you ever use your personal              |
| 18 manager, you're required to access certain    | 18 phone, in relation to your work at Victory    |
| 19 documents and information about consumers     | 19 Mitsubishi?                                   |
| 20 that, for example, the sales associates would | 20 A. Sometimes.                                 |
| 21 not have access to; is that correct?          | 21 Q. What do you use it for?                    |
| 22 A. When you say, "certain documents,"         | 22 A. To call customers.                         |
| 23 what kind of documents that are you           | 23 Q. Did you graduate from high school?         |
| 24 specifically talking about?                   | 24 A. Yes, I did.                                |
| 25 Q. Well, are there any documents that         | 25 Q. Where did you go to high school?           |
| Page 14  |  |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 you would have access to, that sales           | 2 A. I went to high school in Dominican          |
| 3 associates would not have access to?           | 3 Republic, which is the -- my country.          |
| 4 A. I mean, it could be any documents.          | 4 Q. I guessed from your name.                   |
| 5 But, I mean, on the process of selling a       | 5 A. Good guess.                                 |
| 6 vehicle, it's plenty of documents. That's      | 6 Q. And when did you graduate from high         |
| 7 why I am trying to understand what kind of     | 7 school?  |
| 8 document are you specifically asking me        | 8 A. That was long time ago.                     |
| 9 about.   | 9 Q. It's harder and harder to remember;         |
| 10 Q. Sure. So in the -- let me ask you          | 10 isn't it?                                     |
| 11 this way: The sales and financing of a        | 11 A. It's very hard to remember. Oh, my         |
| 12 vehicle, would you have access to documents   | 12 God. I was seventeen. So that was, like,      |
| 13 that wouldn't be in the deal jacket?          | 13 fifteen years -- I mean, almost twenty years  |
| 14 A. No. Everything that is in the deal         | 14 ago. That was twenty years. Maybe 2000.       |
| 15 jacket, is what we need in the process of     | 15 Q. Okay.                                      |
| 16 selling a car. It's nothing extra that I      | 16 A. 2000 -- I mean, I'm sorry.                 |
| 17 would have access to. For example, any other  | 17 Q. That sounds about right from my            |
| 18 manager would have access to. I don't have    | 18 internal math. And what did you do after you  |
| 19 privilege access to any information at my     | 19 graduated from high school?                   |
| 20 job.  | 20 A. I went to college. I got my                |
| 21 Q. Okay. Have you searched your work          | 21 bachelor's degree on business administration. |
| 22 e-mail for this lawsuit?                      | 22 Q. Where did you get that degree?             |
| 23 A. No.  | 23 A. On University of Santo Domingo.            |
| 24 Q. What is your work e-mail?                  | 24 Q. When did you graduate from there?          |
| 25 A. It's Yessica, my first name,               | 25 A. I graduate from college, I believe,        |

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| 1 Yessica K. Vallejo                          | 1 Yessica K. Vallejo                             |
| 2 in 2009, if I am not mistaken.              | 2 there?   |
| 3 Q. Okay.                                    | 3 A. 2011, I believe.                            |
| 4 A. Because I came to this country in        | 4 Q. Okay. How long did you work there?          |
| 5 2010. So that's about right, yes, 2009.     | 5 A. I work there for maybe, probably,           |
| 6 Q. I see. And when you graduated from       | 6 three years. If I recall correctly, around     |
| 7 college, did you have any other education?  | 7 three years, yes.                              |
| 8 A. After, no. I went to school for          | 8 Q. Okay, so you stopped working there          |
| 9 language to study English a little bit. I   | 9 around 2014?                                   |
| 10 did that for maybe five, six months, yeah. | 10 A. Yeah, I -- yeah, I don't have the          |
| 11 Q. And what did you do for employment,     | 11 exact days, but could be around there.        |
| 12 after graduating from college?             | 12 Q. Okay. And why did you stop working         |
| 13 A. I was working for the United            | 13 there?  |
| 14 Nations.                                   | 14 A. Because I got a job offer that was         |
| 15 MR. GOODMAN: Let her                       | 15 paying more money, so I switched companies.   |
| 16 finish.                                    | 16 Q. Sure. Where was that job offer?            |
| 17 THE WITNESS: Oh, sorry.                    | 17 A. That was in Hyundai of New                 |
| 18 MR. GOODMAN: Go ahead.                     | 18 Rochelle.                                     |
| 19 A. I was working for United Nations in     | 19 Q. Okay. And what did you do at               |
| 20 Santo Domingo.                             | 20 Hyundai of New Rochelle?                      |
| 21 Q. What were you doing for the United      | 21 A. Accounts payables.                         |
| 22 Nations?                                   | 22 Q. And how long were you working at           |
| 23 A. Clerical job. Clerical work.            | 23 Hyundai of New Rochelle?                      |
| 24 Q. And what was your employment, after     | 24 A. About two years, give or take, I           |
| 25 that job at the United Nations?            | 25 believe.                                      |
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| 1 Yessica K. Vallejo                          | 1 Yessica K. Vallejo                             |
| 2 A. After that job, I came to the            | 2 Q. And what were your main                     |
| 3 United States. So I got married, I had my   | 3 responsibilities working in accounts payable   |
| 4 son. So I didn't work for a little bit.     | 4 at Hyundai of New Rochelle?                    |
| 5 Q. Okay. And when did you start             | 5 A. We were doing accounts payables,            |
| 6 working again?                              | 6 paying the invoices, I was packaging deals to  |
| 7 A. After my son was one, I start            | 7 send to the bank, pulling out the DMV          |
| 8 working in City World Toyota. That was my   | 8 paperwork for the lady that register of cars.  |
| 9 first dealership that I work at.            | 9 It was, pretty much, office work. So you do    |
| 10 Q. Sorry, were you finished?               | 10 a little bit of everything, you know.         |
| 11 A. No, I am done. Yeah, I was done.        | 11 Q. Were you handling consumers credit         |
| 12 Q. When did you start?                     | 12 reports in this job?                          |
| 13 MR. GOODMAN: Sorry, for the                | 13 A. No.  |
| 14 record, what was the name of the           | 14 Q. And when did you stop working at           |
| 15 dealership?                                | 15 Hyundai of New Rochelle; what year?           |
| 16 THE WITNESS: City World                    | 16 A. I don't really recall the years and        |
| 17 Toyota.                                    | 17 months and all that. I mean, that's, like,    |
| 18 MR. GOODMAN: "City World"?                 | 18 over seven years ago, I guess.                |
| 19 THE WITNESS: Uh-huh.                       | 19 Q. Around, like, 2016/2017?                   |
| 20 MR. GOODMAN: Okay.                         | 20 A. I was there, I think, until 2016,          |
| 21 Q. When did you start at City World        | 21 give or take. Then, I got another job offer   |
| 22 Toyota?                                    | 22 on -- for Mazda of New Rochelle, and I worked |
| 23 A. I was doing filing. I was the file      | 23 there for a couple of months, and then I      |
| 24 clerk.                                     | 24 found this job that I have right now. I have  |
| 25 Q. Sure. When did you start working        | 25 been here for, I believe, six, seven years    |

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| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                            |
| 2 now.  | 2 assuming they did because that's what         |
| 3 Q. Okay. And, sorry, what was the --          | 3 everybody does.                               |
| 4 what was the name of the company that you     | 4 Q. So if I understand, just to                |
| 5 worked at for a few months?                   | 5 clarify, you're saying you are assuming that  |
| 6 A. Mazda of New Rochelle.                     | 6 they did a background check, but you don't    |
| 7 Q. Mazda, okay. What did you do               | 7 know; is that correct?                        |
| 8 there?  | 8 A. Yes. I mean, that's something they         |
| 9 A. That was finance assistant.                | 9 probably -- you should ask my supervisor      |
| 10 Q. And in that position, were you            | 10 because I don't know, to be honest with you. |
| 11 handling consumers credit reports?           | 11 Q. Sure. And you're referring to             |
| 12 A. No.                                       | 12 Stavros Orsaris?                             |
| 13 Q. And so what year did you start            | 13 A. Correct.                                  |
| 14 working at Victory Mitsubishi?               | 14 Q. And were you required to provide          |
| 15 A. I believe it was the end of 2016.         | 15 references for prior employers?              |
| 16 Q. Okay. And were you working at the         | 16 A. I did, yes, and I gave plenty.            |
| 17 4070 Boston Road location?                   | 17 They have it on record.                      |
| 18 A. Yes.                                      | 18 Q. Okay. And do you know if those            |
| 19 Q. And what was your title when you          | 19 prior employers were contacted?              |
| 20 started at Victory Mitsubishi?               | 20 A. I don't know. That's something you        |
| 21 A. Finance assistant.                        | 21 should ask my supervisor.                    |
| 22 Q. Okay. I have heard a title called         | 22 Q. Were you interviewed for this             |
| 23 "funder," is that the same thing as          | 23 position?                                    |
| 24 "financial assistant"?                       | 24 A. Twice.                                    |
| 25 A. Yes, correct.                             | 25 Q. And who interviewed you?                  |
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| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                            |
| 2 Q. Okay. And what were your main              | 2 A. Stavros Orsaris.                           |
| 3 responsibilities as a financial assistant?    | 3 Q. How long were you a financial              |
| 4 A. Sending all the paperwork to the           | 4 assistant?                                    |
| 5 bank to make sure the deal gets finalized, we | 5 A. Well, if I told you that I did it          |
| 6 get paid from the bank, and then send in the  | 6 in Mazda New Rochelle about six months, and   |
| 7 folder to the billing department to make sure | 7 before, that I was in Hyundai of New Rochelle |
| 8 the car gets registered and the lien gets     | 8 for, like, two years, before I got to         |
| 9 perfected.                                    | 9 Victory. It was around two years and six      |
| 10 Q. Were you handling consumers credit        | 10 months, give or take.                        |
| 11 reports when you were working in this        | 11 Q. Sorry, I should have been more            |
| 12 position?                                    | 12 specific with my question. How long were you |
| 13 A. No.                                       | 13 a finance assistant in Victory Mitsubishi?   |
| 14 Q. And how did you apply for this            | 14 A. A year.                                   |
| 15 position?                                    | 15 Q. A year. And what was your title,          |
| 16 A. Indeed.                                   | 16 after financial assistant?                   |
| 17 Q. And you're referring to the website       | 17 A. Finance manager.                          |
| 18 Indeed.com, correct?                         | 18 Q. And that's still your title today,        |
| 19 A. Correct.                                  | 19 correct?                                     |
| 20 Q. Was there a background check in the       | 20 A. Correct.                                  |
| 21 job hiring process?                          | 21 Q. So if I am doing the math here in         |
| 22 MR. GOODMAN: Object to the                   | 22 my head here correctly, you have been a      |
| 23 form; go ahead.                              | 23 finance manager since 2018; is that right?   |
| 24 A. They never told me they did any           | 24 A. That is correct.                          |
| 25 background check of me, but, I mean, I am    | 25 Q. Okay.                                     |

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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                           |
| 2 A. Give or take, because we don't have         | 2 Q. Okay. And the investigation and           |
| 3 exact dates in timing here, so...              | 3 lawsuit by the New York Attorney General     |
| 4 Q. Yeah, sure. You ever worked with            | 4 happened while you were working as a         |
| 5 someone named Chris Orsaris?                   | 5 financial assistant; is that correct?        |
| 6 MR. GOODMAN: Objection to                      | 6 A. I have no knowledge of that.              |
| 7 form; go ahead.                                | 7 Q. When you say you "have no                 |
| 8 A. Work directly, you mean?                    | 8 knowledge" of it, do you mean this is the    |
| 9 Q. Well, let's just start with worked          | 9 first time you ever heard of it, or you just |
| 10 in any way.                                   | 10 don't know anything specific about this     |
| 11 MR. GOODMAN: Object to the                    | 11 investigation and lawsuit?                  |
| 12 form.   | 12 MR. GOODMAN: Object to the                  |
| 13 A. Yes.                                       | 13 form; go ahead.                             |
| 14 Q. And what does Chris Orsaris do?            | 14 A. You talking about this case,             |
| 15 MR. GOODMAN: Object to the                    | 15 specific, or you talking about any other    |
| 16 form; time frame.                             | 16 case?                                       |
| 17 A. Chris Orsaris is Stavros' dad. I           | 17 MR. GOODMAN: No, she's                      |
| 18 believe what he does, he buy cars, but I do   | 18 talking -- sorry.                           |
| 19 not work directly with Chris Orsaris.         | 19 MS. CATERINE: No, it's all                  |
| 20 Q. Okay. How often do you see                 | 20 right, I got it.                            |
| 21 Mr. Orsaris at the Victory Mitsubishi         | 21 Q. So let me rephrase the question.         |
| 22 dealership?                                   | 22 Are you aware of any investigation          |
| 23 MR. GOODMAN: Object to the                    | 23 or lawsuit by the New York Attorney General |
| 24 form. Do you mean Chris Orsaris?              | 24 regarding sales at the dealership?          |
| 25 MS. CATERINE: Yes, excuse                     | 25 A. No.                                      |
| Page 26  | Page 28  |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                           |
| 2 me.  | 2 Q. Do you know of anyone who's been          |
| 3 Q. Chris Orsaris.                              | 3 fired at the dealership?                     |
| 4 A. Maybe once a month.                         | 4 MR. GOODMAN: Object to the                   |
| 5 Q. Okay. Would that have been the              | 5 form.  |
| 6 case in September of 2020?                     | 6 A. Yeah, people get fired sometimes.         |
| 7 A. I don't understand your question.           | 7 Q. And do you recall the reasons for         |
| 8 Q. Sure. Let me rephrase the                   | 8 those people being fired?                    |
| 9 question.                                      | 9 A. No.                                       |
| 10 Has he ever been in the dealership            | 10 MR. GOODMAN: Object to the                  |
| 11 more often, or less than often, since you     | 11 form. You have to let me --                 |
| 12 have worked there, or has it, pretty much,    | 12 THE WITNESS: Sorry.                         |
| 13 always been once a month?                     | 13 A. No, I mean --                            |
| 14 A. Well, the dealership is a big              | 14 MR. GOODMAN: Just "no."                     |
| 15 facility. I work in the sales department.     | 15 THE WITNESS: No.                            |
| 16 So I can't tell you for the times that I see  | 16 Q. Have you ever been arrested?             |
| 17 him, per se.                                  | 17 A. No.                                      |
| 18 Q. Sure. That's all I am asking.              | 18 MR. GOODMAN: Object to the                  |
| 19 A. If it's in premises, if it's around        | 19 form.                                       |
| 20 -- I mean, can't tell you because, you know,  | 20 THE WITNESS: It's okay.                     |
| 21 I am working sales. So in the sales           | 21 Q. Has anyone ever made a complaint         |
| 22 department, the showroom, per se, I see him,  | 22 against Victory Mitsubishi that they were   |
| 23 maybe, once a month, twice a month. But he    | 23 defrauded by Victory Mitsubishi?            |
| 24 is not involved on the daily activities, on a | 24 MR. GOODMAN: Object to the                  |
| 25 daily process of selling cars, per se.        | 25 form.                                       |

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|    | Page 29                                       | Page 31   |
|----|---|---|
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                              |
| 2  | A. I don't know.                              | 2 the finance manager position, it was just     |
| 3  | Q. Has any consumer ever alleged that         | 3 given to you as a promotion?                  |
| 4  | Victory Mitsubishi deceived them or treated   | 4 MR. GOODMAN: Objection to                     |
| 5  | them unfairly in the sales or financing of a  | 5 form.   |
| 6  | vehicle?                                      | 6 A. It was a vacancy in the department         |
| 7  | MR. GOODMAN: Object to the                    | 7 and they offered me the job, yes, they did.   |
| 8  | form.   | 8 Q. Why was there a vacancy in the             |
| 9  | A. I don't know.                              | 9 department?                                   |
| 10 | Q. Has any consumer ever complained to        | 10 MR. GOODMAN: Object to the                   |
| 11 | you directly about the sales or financing of  | 11 form.  |
| 12 | a vehicle at Victory Mitsubishi?              | 12 A. I don't recall.                           |
| 13 | A. No, I don't handle complaints,             | 13 Q. Who was the finance manager who           |
| 14 | Stavros does.                                 | 14 left Victory Mitsubishi that made that       |
| 15 | Q. Have there been any complaints by          | 15 vacancy?                                     |
| 16 | any government entity that Victory Mitsubishi | 16 A. Sorry, repeat your question again.        |
| 17 | defrauded or deceived consumers in the sales  | 17 MR. GOODMAN: Objection.                      |
| 18 | or financing of vehicles?                     | 18 Q. Sorry, I phrased that a little all        |
| 19 | MR. GOODMAN: Object to                        | 19 over the place.                              |
| 20 | form.   | 20 What was the name of the finance             |
| 21 | A. I don't know.                              | 21 manager who left and created that vacancy    |
| 22 | Q. And you became a finance manager           | 22 that you filled?                             |
| 23 | around 2018, correct?                         | 23 MR. GOODMAN: Object to the                   |
| 24 | A. That is correct, give or take,             | 24 form.  |
| 25 | because once again, we don't have specific    | 25 A. I don't know. I don't recall.             |
|    | Page 30                                       | Page 32   |
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                              |
| 2  | date and time.                                | 2 How you know that somebody actually           |
| 3  | Q. Sure. Was that around the time             | 3 left?   |
| 4  | that the company at Victory Mitsubishi        | 4 Q. I don't. I am just trying to               |
| 5  | switched from Victory Auto Group LLC, to      | 5 figure it out. You said there was a vacancy,  |
| 6  | Spartan Auto Group LLC?                       | 6 I assumed, but if you can clarify.            |
| 7  | MR. GOODMAN: Object to                        | 7 A. Yeah.                                      |
| 8  | form; go ahead.                               | 8 Q. Are you saying that the vacancy was        |
| 9  | A. I have no knowledge of none of that        | 9 created by expansion, or what did you mean    |
| 10 | stuff. That's way above my pay grade.         | 10 by, "there was a vacancy"?                   |
| 11 | Q. Sure. Sure. Was there any major            | 11 A. I don't recall. That's what I am          |
| 12 | change that precipitated you becoming finance | 12 trying to explain to you.                    |
| 13 | manager at the dealership, that you're aware  | 13 Q. Okay, okay. So just your                  |
| 14 | of?   | 14 recollection is that there was a position    |
| 15 | MR. GOODMAN: Object to                        | 15 open for some reason, and you were given it; |
| 16 | form.   | 16 is that correct?                             |
| 17 | A. I became a finance manager because         | 17 MR. GOODMAN: Object to the                   |
| 18 | I had -- I got a promotion. My supervisor, I  | 18 form. Go ahead.                              |
| 19 | am assuming, was happy with my performance,   | 19 A. Yes, if you want to put it that           |
| 20 | and then I got a promotion.                   | 20 way. It was an opening, they offered the     |
| 21 | Q. And you're referring to Stavros            | 21 position to me, and then I say, yes, of      |
| 22 | Orsaris, correct?                             | 22 course.                                      |
| 23 | A. That is correct.                           | 23 Q. Okay. And what training did you           |
| 24 | Q. So you say you got a promotion.            | 24 take when you became a finance manager?      |
| 25 | Does that mean you didn't apply for           | 25 A. I was trained by Deal Tracker,            |

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| Page 33 |   | Page 35 |  |
|---------|---|---------|--|
| 1       | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                           |
| 2       | which is the platform that we use.            | 2       | A. It's just the way it's supposed to        |
| 3       | Q. When did that happen?                      | 3       | be. You know what has to be done, before the |
| 4       | A. As soon as I got the position.             | 4       | deal gets to me, you know, things like that. |
| 5       | Q. Same day, same week, same month?           | 5       | It's important.                              |
| 6       | A. I don't recall, but probably, yeah,        | 6       | Q. Sure. Sure. So let's take a look          |
| 7       | right away.                                   | 7       | at what I am marking as Exhibit 40.          |
| 8       | Q. What did that training entail?             | 8       | MR. GOODMAN: Can you tell                    |
| 9       | A. The whole finance process, you             | 9       | me the Bates stamp number?                   |
| 10      | know, how to use the platform, and also I got | 10      | MS. CATERINE: Yeah, it's                     |
| 11      | training on the sales floor by Stavros, you   | 11      | Defendant's 97 through Defendant's           |
| 12      | know, basically, how the sales process work,  | 12      | 112. Or, no, sorry, Defendant's 93           |
| 13      | how was their process, so on and so forth.    | 13      | through Defendant's 112.                     |
| 14      | Q. Why did Stavros give you this              | 14      | MR. GOODMAN: Okay, so give                   |
| 15      | training on sales, if you were going to be    | 15      | us a moment.                                 |
| 16      | working as a finance manager?                 | 16      | MS. CATERINE: Sure.                          |
| 17      | MR. GOODMAN: Object to the                    | 17      | MR. GOODMAN: Because I have                  |
| 18      | form.   | 18      | got the papers strewn all over this          |
| 19      | A. I did not tell you that he gave me         | 19      | table. It starts at 93, right?               |
| 20      | training on sales. I said he gave me          | 20      | MS. CATERINE: Yes.                           |
| 21      | training on how the process works.            | 21      | MR. GOODMAN: What is it,                     |
| 22      | Q. Sure. And why were you given that          | 22      | Emma? What's the actual document?            |
| 23      | training on how the process worked?           | 23      | MS. CATERINE: It's the                       |
| 24      | MR. GOODMAN: Object to the                    | 24      | subscriber application with Credit           |
| 25      | form.   | 25      | Bureau Connection. And, Ms.                  |
| Page 34 |   | Page 36 |  |
| 1       | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                           |
| 2       | A. Because I was new to the position,         | 2       | Torres, this is e-mailed to you as           |
| 3       | and when somebody new to a position, new job, | 3       | well.  |
| 4       | so on and so forth, you need to get training, | 4       | MR. GOODMAN: Okay, we got                    |
| 5       | in order for you to do your job correctly.    | 5       | it. Do you have -- here, you just            |
| 6       | Q. Sure. I am sorry, I am not                 | 6       | use this one.                                |
| 7       | phrasing this very well.                      | 7       | THE WITNESS: Uh-huh.                         |
| 8       | What I mean is -- let me put it a             | 8       | MR. GOODMAN: Okay, we got                    |
| 9       | different way: As finance manager, you're     | 9       | it, Emma. But she may need a                 |
| 10      | coming into the process, after the person has | 10      | minute to look at it. It's several           |
| 11      | already spoken to a sales associate and a     | 11      | pages.                                       |
| 12      | sales manager; is that right?                 | 12      | MS. CATERINE: Sure.                          |
| 13      | A. Correct.                                   | 13      | Take your time.                              |
| 14      | Q. So why did you need to know about          | 14      | THE WITNESS: (Witness                        |
| 15      | that part of the process when you only come   | 15      | peruses exhibit.)                            |
| 16      | in later?                                     | 16      | MR. GOODMAN: Do you have                     |
| 17      | MR. GOODMAN: Object to the                    | 17      | another version that the --                  |
| 18      | form.   | 18      | THE WITNESS: Oh, all right.                  |
| 19      | A. I did not tell you that I need to          | 19      | MR. GOODMAN: Okay, we got                    |
| 20      | know, per se, about that part of the process, | 20      | it.  |
| 21      | but I do need to understand the process. You  | 21      | Q. And, Ms. Vallejo, I think I forgot        |
| 22      | understand what I mean? Like if I am part of  | 22      | to say this, but I should say this, since    |
| 23      | the process, it's just fair for me to         | 23      | you're new to this deposition thing. If at   |
| 24      | understand the whole process.                 | 24      | any point you need to take a break, and      |
| 25      | Q. Okay.                                      | 25      | whenever you want to take a break for lunch, |

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|--|--|
| 1 Yessica K. Vallejo<br>2 just let me know. I am happy to accommodate<br>3 whatever you need.<br>4 THE WITNESS: Sure.<br>5 Q. Okay. So what is this document?<br>6 MR. GOODMAN: Object to the<br>7 form; go ahead.<br>8 A. I have no knowledge of this<br>9 document.<br>10 Q. So this is your first time ever<br>11 seeing this document?<br>12 A. That is correct.<br>13 Q. This document appears to be filled<br>14 out by Diane Argyropoulos, correct?<br>15 MR. GOODMAN: Object to the<br>16 form.<br>17 A. I see Diane's name over here, yes.<br>18 I don't know if she filled the document out.<br>19 I mean, I can't say that, because I wasn't<br>20 there when it was generated.<br>21 Q. Sure. Let me rephrase.<br>22 It has her electronic signature on<br>23 it, correct?<br>24 A. What page? Can you see that?<br>25 Q. So on the first page Bates-stamped | 1 Yessica K. Vallejo<br>2 inquiries do you think there would be, per<br>3 month, at the dealership?<br>4 MR. GOODMAN: Object to the<br>5 form. Time frame?<br>6 A. I don't know. I couldn't tell you.<br>7 Q. Sure. Let me rephrase. How many<br>8 -- about how many inquiries do you think --<br>9 excuse me.<br>10 About how many credit inquiries are<br>11 there, per day, at the dealership?<br>12 MR. GOODMAN: Object to the<br>13 form. You are asking today?<br>14 MS. CATERINE: On average.<br>15 MR. GOODMAN: Okay, go<br>16 ahead.<br>17 A. I don't know.<br>18 Q. Well, you said you don't think the<br>19 estimation of 1,000 monthly inquiries is<br>20 accurate; why is that?<br>21 A. Because we have a high volume of<br>22 customers, yeah. We -- we -- we are pretty<br>23 busy. We are pretty busy dealership. We<br>24 have a lot of customers.<br>25 Q. About how many customers do you  |
| Page 38  | Page 40  |
| 1 Yessica K. Vallejo<br>2 Defendant's 93 at the bottom of the page.<br>3 A. Yes, I see her electronic signature<br>4 there.<br>5 Q. Okay. Why was this signed by Mr.<br>6 Argyropoulos, rather than a finance manager,<br>7 for example?<br>8 MR. GOODMAN: Object to the<br>9 form.<br>10 A. I don't know.<br>11 Q. Estimate of monthly inquiries<br>12 listed here on Defendant's 93 is 1,000. Do<br>13 you see that?<br>14 A. What page?<br>15 Q. The first page marked Defendant's<br>16 93. It's kind of in the middle.<br>17 A. 1,000?<br>18 Q. Uh-huh.<br>19 A. I can see that, yes.<br>20 Q. Okay. Is that an accurate<br>21 estimation, in your experience?<br>22 MR. GOODMAN: Object to the<br>23 form.<br>24 A. No.<br>25 Q. All right. How many -- how many   | 1 Yessica K. Vallejo<br>2 see, per day, at the dealership?<br>3 MR. GOODMAN: Object to the<br>4 form; go ahead.<br>5 A. On an average, it could be -- on a<br>6 busy day, which usually the weekends, it<br>7 could be, maybe, seven, eight customers.<br>8 Q. And if a customer is seeing you,<br>9 that means that they're at least attempting<br>10 to get financing for a vehicle; is that<br>11 correct?<br>12 A. That is correct.<br>13 Q. How many other finance managers are<br>14 there besides you?<br>15 A. Four more.<br>16 Q. And as far as you're aware, do<br>17 those finance managers see around the same<br>18 volume of customers as you do?<br>19 A. Yeah. On average, yes.<br>20 Q. And still looking at this first<br>21 page, Defendant's 93, the agreement here says<br>22 that the credit information will be used to,<br>23 quote, "evaluate the credit of customers for<br>24 consumer loans or lease," end quote.<br>25 How does that work, evaluating the |

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|  |         |  |         |
|--|---------|--|---------|
| 1 Yessica K. Vallejo<br>2 credit of consumers?<br>3 MR. GOODMAN: Object to the<br>4 form.<br>5 A. Well, I am -- we -- per se, we<br>6 don't do any type of evaluation of credit<br>7 because we don't provide credit. The<br>8 lenders, they provide credit. So we submit<br>9 the loan to lenders, they do their<br>10 evaluation, and they probably have the<br>11 guidelines and, you know, the ways to know if<br>12 the customer qualifies or not.<br>13 Q. Okay.<br>14 A. My job is not to evaluate nobody's<br>15 credit.<br>16 Q. Sure. When you say, "they," or you<br>17 may have said "we," I don't recall, but are<br>18 you referring to finance managers at the<br>19 dealership, or are you referring to the<br>20 dealership as a whole?<br>21 MR. GOODMAN: Object to the<br>22 form.<br>23 A. When I said, "they," I was<br>24 referring to the lenders that we use.<br>25 MR. GOODMAN: Oh.   | Page 41 | 1 Yessica K. Vallejo<br>2 judgment calls on no one's credit report.<br>3 Q. Got it.<br>4 A. Submit the loan to the lenders, the<br>5 lender on their discretion, they approve or<br>6 deny the loan. Which it has nothing to do<br>7 with the finance manager, per se.<br>8 Q. And does Stavros or any of the<br>9 sales managers ever tell you what their<br>10 evaluation of the credit of a customer is<br>11 when they bring a customer to you?<br>12 MR. GOODMAN: Object to the<br>13 form.<br>14 A. No. Like if they tell me make what<br>15 judgments about credit and stuff? No. No.<br>16 Q. If you could turn to the next page,<br>17 this is Defendant's 94. In bullet three here<br>18 it says towards the end that, Victory<br>19 Mitsubishi will, quote, "obtain a consumer's<br>20 written authorization to request such<br>21 information relating to that consumer," end<br>22 quote, and referring to "credit reports."<br>23 How does Victory Mitsubishi obtain<br>24 written authorization for consumers credit<br>25 reports? | Page 43 |
| 1 Yessica K. Vallejo<br>2 Q. Sure, no, let me rephrase.<br>3 When you say that -- that you're<br>4 not evaluating the credit of customers and<br>5 that's the lenders who are doing that, are<br>6 you saying that the finance managers don't<br>7 evaluate the credit of customers, or that the<br>8 dealership, as a whole, doesn't evaluate the<br>9 credit of customers?<br>10 MR. GOODMAN: Yeah, that's<br>11 object to form.<br>12 A. I am just -- I don't understand<br>13 your question.<br>14 Q. Sure. Does anyone at the<br>15 dealership evaluate the credit of customers<br>16 for consumer loans or leases?<br>17 MR. GOODMAN: Object to the<br>18 form.<br>19 A. Before the deal goes to my office,<br>20 they round the credit, yes, the sales manager<br>21 round the credit and prepares for submission<br>22 to the lenders, which is what I do. They<br>23 have the process, which is between Stavros<br>24 and sales manager. I am talking about me,<br>25 per se, I do not evaluate or make any | Page 42 | 1 Yessica K. Vallejo<br>2 A. When the customer goes to the<br>3 dealership, and they are willingly there<br>4 because they want to purchase a vehicle,<br>5 then, they handwrite a credit application.<br>6 That credit application has that customer<br>7 personal information. It's signed and dated<br>8 by the customer. And that gives<br>9 authorization for us to pull credit.<br>10 Q. You can turn to Defendant's 95,<br>11 please. Next page. And if you look at<br>12 bullet fifteen on this page, it refers to<br>13 training in, quote, "proper usage<br>14 requirements and restriction and security<br>15 requirements," end quote. Do you see that?<br>16 A. Yes. That's number fifteen?<br>17 Q. Uh-huh.<br>18 MR. GOODMAN: Can I see<br>19 that?<br>20 Hang on one second.<br>21 Okay, go ahead.<br>22 Q. So employees of Victory Mitsubishi<br>23 have to log into Dealer Track and fill out a<br>24 form, prior to pulling a credit report,<br>25 correct?   | Page 44 |

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|--|---|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |
| 2 A. You mean to pull the customer's             | 2 MR. GOODMAN: Object to the                    |
| 3 credit report?                                 | 3 form.   |
| 4 Q. Yes.  | 4 A. I don't recall.                            |
| 5 A. Oh, because my credit report, no.           | 5 Q. Have you ever spoken to David              |
| 6 Yes. Sure. I mean, we have to type the         | 6 Daniel?                                       |
| 7 information, same information that is in the   | 7 A. I don't recall.                            |
| 8 handwriting application sign and dated by the  | 8 Q. Have you received an e-mail from           |
| 9 customer. That's what we type to pull the      | 9 David Daniel?                                 |
| 10 credit information.                           | 10 A. I don't recall.                           |
| 11 Q. And that would be the security             | 11 Q. Now I would like to mark as Exhibit       |
| 12 requirements that they are talking about on   | 12 41, the pages Bates-stamped Defendant's 73   |
| 13 this page; is that right?                     | 13 to 82.                                       |
| 14 MR. GOODMAN: Object to the                    | 14 MR. GOODMAN: That's this?                    |
| 15 form.   | 15 MS. CATERINE: Yeah, it's                     |
| 16 A. Well, there's -- you need a                | 16 the Capital One document.                    |
| 17 handwritten app dated and signed, and you     | 17 Q. And if you could just take a second       |
| 18 need a picture ID, in order to pull credit.   | 18 to review that document and let me know when |
| 19 That's how we do it.                          | 19 you are finished.                            |
| 20 Q. And you make a copy of the picture         | 20 MR. GOODMAN: When you are                    |
| 21 ID; is that correct?                          | 21 ready, tell her.                             |
| 22 A. That is correct.                           | 22 A. Yeah, we ready.                           |
| 23 Q. And to pull a credit report, an            | 23 Q. Okay. What is this document?              |
| 24 employee has to log into Deal Tracker.        | 24 A. Well, the name of the document is a       |
| 25 There's no other way to pull a credit report; | 25 "dealer information form," but the document, |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |
| 2 is that correct?                               | 2 per se, I don't know what it is.              |
| 3 A. That is correct.                            | 3 Q. So prior to being given this               |
| 4 Q. And were you -- specifically, have          | 4 document right now, had you ever seen this    |
| 5 you ever pulled a credit report at Victory     | 5 document?                                     |
| 6 Mitsubishi, other than doing so through Deal   | 6 A. It was on the pile of papers that          |
| 7 Tracker?                                       | 7 they gave me. I seen this document before,    |
| 8 A. No.   | 8 yes, but this is not the document that I am   |
| 9 Q. And going down to Section B1 here,          | 9 familiar with or work with or...              |
| 10 on the same page, Defendant's 95, where it    | 10 Q. Okay.                                     |
| 11 says, "CBC agrees" -- do you see that?        | 11 MR. GOODMAN: Who gave you?                   |
| 12 A. Yes.                                       | 12 You said "they" gave you.                    |
| 13 Q. This provision refers to providing         | 13 THE WITNESS: Huh?                            |
| 14 the use of certain services, including one    | 14 MR. GOODMAN: Who gave you?                   |
| 15 through Equifax called T-A-L-X -- what is     | 15 THE WITNESS: You just gave                   |
| 16 T-A-L-X?                                      | 16 it to me. She asked for it.                  |
| 17 A. I don't know.                              | 17 MR. GOODMAN: Okay, all                       |
| 18 Q. And on Defendant's 96, which is the        | 18 right. Sorry, go ahead.                      |
| 19 next page, at the bottom there's some         | 19 MS. CATERINE: It's all                       |
| 20 signatures. Do you see that?                  | 20 right.                                       |
| 21 A. Yes.                                       | 21 Q. And on page Defendant's 75, toward        |
| 22 Q. And one of those signatures is of a        | 22 the bottom, there's handwritten initials.    |
| 23 CBC representative named David Daniel who is, | 23 Do you see that?                             |
| 24 apparently, a compliance manager. When is     | 24 A. Yes.                                      |
| 25 the last time you spoke to David Daniel?      | 25 Q. Do you recognize those initials?          |

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|---------|---|---------|---|
| 1       | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                            |
| 2       | A. No.  | 2       | he used to work there with us back in -- back |
| 3       | Q. And if you turn to the next page,          | 3       | in 2018/2019, around there.                   |
| 4       | Defendant's 76, that's the signature of Diane | 4       | Q. Okay. And why did he leave Victory         |
| 5       | Argyropoulos there, correct?                  | 5       | Mitsubishi?                                   |
| 6       | A. I don't know. I don't know her             | 6       | MR. GOODMAN: Object to                        |
| 7       | signature.                                    | 7       | form.   |
| 8       | Q. Okay. Fair enough. Let's turn              | 8       | A. I don't know.                              |
| 9       | back to the first page marked Defendant's 73. | 9       | Q. At the time that he was working at         |
| 10      | Who is Diane Argyropoulos?                    | 10      | the dealership, was he, generally, the        |
| 11      | MR. GOODMAN: Object to the                    | 11      | contact for finance companies?                |
| 12      | form; go ahead.                               | 12      | MR. GOODMAN: Object to                        |
| 13      | A. She is the owner of the dealership,        | 13      | form.   |
| 14      | I believe.                                    | 14      | A. I don't recall.                            |
| 15      | Q. And has that been the case since           | 15      | Q. Is there someone at the dealership,        |
| 16      | you started working there as a financial      | 16      | currently, who is the contact for lenders?    |
| 17      | assistant?                                    | 17      | MR. GOODMAN: Object to                        |
| 18      | A. Correct.                                   | 18      | form, but go ahead.                           |
| 19      | Q. And Chris Orsaris is listed here as        | 19      | A. Yes.                                       |
| 20      | general manager. Do you see that?             | 20      | Q. Who is that?                               |
| 21      | A. I see that.                                | 21      | A. Stavros Orsaris.                           |
| 22      | Q. Is that your understanding, that           | 22      | Q. If a finance company had to arrange        |
| 23      | Chris Orsaris is the general manager at       | 23      | for a deal to be unwound, who would they      |
| 24      | Victory Mitsubishi?                           | 24      | contact at Victory Mitsubishi?                |
| 25      | A. No.  | 25      | MR. GOODMAN: Object to                        |
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| 1       | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                            |
| 2       | Q. And who is the general manager at          | 2       | form.   |
| 3       | Victory Mitsubishi?                           | 3       | A. Stavros Orsaris.                           |
| 4       | A. Stavros Orsaris.                           | 4       | Q. Who is Ken McGhee?                         |
| 5       | Q. Okay. And Chris Orsaris is also            | 5       | A. He is the rep for Capital One.             |
| 6       | listed as the general sales manager here. Is  | 6       | Q. And when was the last time you             |
| 7       | it your understanding that he is the general  | 7       | spoke with Mr. McGhee?                        |
| 8       | sales manager?                                | 8       | A. I don't really speak to him. That          |
| 9       | MR. GOODMAN: Object to                        | 9       | would be Stavros Orsaris that always take     |
| 10      | form. Again, time frame, but go               | 10      | care of bank reps and, you know, anything     |
| 11      | ahead.  | 11      | they going to do with administrative stuff,   |
| 12      | A. No. No.                                    | 12      | yeah.   |
| 13      | Q. Who is the general sales manager?          | 13      | Q. And who is Robert Montgomery?              |
| 14      | A. To my understanding, it's Stavros          | 14      | A. I don't know.                              |
| 15      | Orsaris.                                      | 15      | Q. Do you know what C-O-A-F-R-S-M             |
| 16      | Q. Okay.                                      | 16      | stands for?                                   |
| 17      | A. Remember, all these internal               | 17      | A. No.  |
| 18      | paperwork that has to do with ownership, so   | 18      | Q. Have you spoken with anyone at             |
| 19      | on and so forth. I have no access to none of  | 19      | Capital One regarding this lawsuit?           |
| 20      | that. It's way above my pay grade.            | 20      | A. No.  |
| 21      | Q. Sure. Sure. And I am only asking           | 21      | Q. And if you could please turn to the        |
| 22      | you about what you know about it.             | 22      | page Bates-stamped Defendant's 74, which is   |
| 23      | A. Okay.                                      | 23      | the second page of the document. And if you   |
| 24      | Q. Who is Edwin Feables?                      | 24      | could look at Section 1, Subsection G,        |
| 25      | A. Edwin Feables was a finance manager        | 25      | starting with "dealer warrants that" -- do    |

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|---|---|
| 1 Yessica K. Vallejo<br>2 you see that section?<br>3 A. Uh-huh, yes.<br>4 Q. How does Victory Mitsubishi ensure<br>5 that, quote, "all contracts are genuine,<br>6 signed by persons with full capacity to<br>7 contract," end quote?<br>8 A. We make sure that the customer<br>9 completed all the process in order to sign a<br>10 contract. Like they go to the dealership,<br>11 they give you handwritten application, signed<br>12 and dated, they choose the car, they sit down<br>13 with the finance manager, they go over the<br>14 numbers, and we, in the best of our ability,<br>15 try to verify that the customer is actually<br>16 the person they say they are.<br>17 Q. And how do you do that; how do you<br>18 verify that?<br>19 A. When we submit the customer<br>20 application, the first thing that you can see<br>21 in Deal Tracker is the red flags. If the<br>22 customer have any source of Credit Bureau<br>23 alert, any consumer alert, any issues with<br>24 their information, they can, you know, they<br>25 couldn't be compromised. We will get alert | 1 Yessica K. Vallejo<br>2 Mitsubishi?<br>3 A. I believe she is.<br>4 Q. And has she been the comptroller at<br>5 Victory Mitsubishi as long as you have worked<br>6 there?<br>7 A. I don't recall, to be honest with<br>8 you.<br>9 Q. That's fine. Who were your<br>10 supervisors at Victory Mitsubishi?<br>11 A. Stavros Orsaris.<br>12 Q. Anyone else?<br>13 A. No.<br>14 MR. GOODMAN: We're going a<br>15 little over an hour now. Can we<br>16 take a ten-minute break?<br>17 MS. CATERINE: Sure.<br>18 MR. GOODMAN: Please.<br>19 (Whereupon, a recess was<br>20 taken at this time.)<br>21 BY MS. CATERINE:<br>22 Q. So let's start with a couple of<br>23 follow-up questions about something we had<br>24 discussed earlier.<br>25 In terms of what information you   |
| 1 Yessica K. Vallejo<br>2 from Credit Bureau companies. So if we get<br>3 an alert, right, we already know that there's<br>4 something going on. We stop the transaction<br>5 and verify. If it's no alert, we verify with<br>6 ID that that person is that person, and then<br>7 we continue with the process.<br>8 Q. You could turn to Defendant's 77,<br>9 please. And why is Stavros Orsaris listed on<br>10 this page as a managing member?<br>11 MR. GOODMAN: Object to<br>12 form.<br>13 A. I don't know.<br>14 Q. Is Stavros Orsaris an owner of<br>15 Victory Mitsubishi?<br>16 MR. GOODMAN: Object to<br>17 form.<br>18 A. I don't know.<br>19 Q. If you could turn to the next page,<br>20 Defendant's 78, who is Maria Sores? Sorry if<br>21 I am mispronouncing that.<br>22 A. Her title is next to her name.<br>23 Q. Sure. Do you work with Ms. Sores?<br>24 A. No.<br>25 Q. Is she still comptroller at Victory  | 1 Yessica K. Vallejo<br>2 have access to at Victory Mitsubishi, would<br>3 you have the same access as sales managers at<br>4 the dealership?<br>5 MR. SELVEY: Object to form.<br>6 A. Yes.<br>7 Q. Would you have the same access as<br>8 Stavros Orsaris?<br>9 MR. SELVEY: Object to form.<br>10 A. No.<br>11 Q. What can he access, that you<br>12 cannot?<br>13 A. I don't know. But he is general<br>14 sales manager. So definitely he has more<br>15 access than me.<br>16 Q. Okay. And in regards to employees<br>17 who have been fired at the dealership, were<br>18 those salespeople that were fired?<br>19 A. I don't know. I mean, I don't<br>20 understand your question.<br>21 Q. Sure. Who do you remember getting<br>22 fired at the dealership?<br>23 A. I don't remember nothing related to<br>24 that, to people getting fired. Hiring --<br>25 hiring, firing, all that stuff, it's -- it |

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| 1 Yessica K. Vallejo<br>2 has nothing to do with my job. Firing,<br>3 hiring, those are things that you need to<br>4 discuss with Stavros Orsaris.<br>5 Q. So you don't -- you don't recall<br>6 anyone being fired, specifically; is that<br>7 right?<br>8 A. That is correct.<br>9 Q. Okay. And earlier we were talking<br>10 about the evaluation of consumers credit at<br>11 Victory Mitsubishi. Are credit scores used<br>12 to evaluate consumers credit?<br>13 A. We can say so.<br>14 Q. And you would be provided what the<br>15 consumer's credit scores were from the<br>16 reports that were pulled; is that correct?<br>17 A. That is correct.<br>18 Q. Would those credit scores be used<br>19 to help you decide which finance companies<br>20 you would send a credit application to?<br>21 A. Not quite the way you saying it,<br>22 but remember, I don't know if you know this,<br>23 every lender, they have their own guidelines.<br>24 Q. Right.<br>25 A. So we go based on their guidelines.   | 1 Yessica K. Vallejo<br>2 A. We go based on the lender's<br>3 guidelines.<br>4 Q. Okay. Are you involved in the<br>5 process of hiring people for Victory<br>6 Mitsubishi?<br>7 A. No.<br>8 Q. And you have your own office at the<br>9 4070 Boston Road address; is that correct?<br>10 A. That is correct.<br>11 Q. And besides the 4070 Boston Road<br>12 address, do you work from any other<br>13 locations?<br>14 A. No.<br>15 Q. But there are other locations for<br>16 the dealership; is that correct?<br>17 A. I don't know.<br>18 Q. On a day-to-day basis, regular<br>19 course of business at your work, who are you<br>20 working with at Victory Mitsubishi?<br>21 MR. GOODMAN: Objection to<br>22 form; timeline.<br>23 A. I work directly with Stavros<br>24 Orsaris.<br>25 Q. Anyone else?  |
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| 1 Yessica K. Vallejo<br>2 If a specific lender has a guideline that<br>3 they will take into consideration a credit<br>4 score between, let's say -- let's put an<br>5 example, between 700 and 800, so we already<br>6 know that we have that qualified customer<br>7 that qualifies for that specific lender. So<br>8 then we send it to that lender. It's not,<br>9 per se, that I go there and I choose what<br>10 lender I want to send the loan to, no,<br>11 because I am not a lender. I go based on the<br>12 lender's guidelines.<br>13 Q. And there are some lenders who<br>14 would automatically decline an application,<br>15 based on the criteria that you were just<br>16 talking about; is that correct?<br>17 A. Based on their guidelines, which<br>18 that's the lender, it has nothing to do, per<br>19 se, with the finance manager, or the<br>20 dealership.<br>21 Q. Sure. So do you just submit<br>22 applications to the same finance companies<br>23 for every consumer, or how do you decide<br>24 which finance companies you are submitting<br>25 to? | 1 Yessica K. Vallejo<br>2 A. The sales department has<br>3 salespeople, sales managers, and I have four<br>4 other finance managers that I, of course,<br>5 interact during the daily basis. We have the<br>6 quoters outside, we have operations manager<br>7 outside. Yes, I work with salespeople, other<br>8 finance managers, and, of course, the sales<br>9 managers as well.<br>10 Q. Okay.<br>11 MS. CATERINE: Mr. Goodman,<br>12 did you hear that last question?<br>13 Do you need to have it --<br>14 MR. GOODMAN: No, that's<br>15 fine. Go ahead, that's fine.<br>16 MS. CATERINE: Okay.<br>17 Q. So let's talk about the salespeople<br>18 that you work with. In your -- in the<br>19 regular course of business at Victory<br>20 Mitsubishi, what sort of things -- what sort<br>21 of interactions are you having with<br>22 salespeople?<br>23 MR. GOODMAN: Object to the<br>24 form.<br>25 A. Usually. My direct interaction is |

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|--|---|
| <p>1 Yessica K. Vallejo<br/>2 with Stavros Orsaris and sales managers.<br/>3 Q. Okay. And what sort of<br/>4 interactions are you having with the sales<br/>5 managers?<br/>6 A. If I have any questions about the<br/>7 sale, any questions about the vehicle, you<br/>8 know, I go to them because they are the ones<br/>9 working the sale, the -- that transaction<br/>10 with the customer directly, and also with the<br/>11 salesperson, you know. Basically, that's to<br/>12 communicate, tell them, you know, if the<br/>13 customer is okay with the numbers, customer<br/>14 is happy with the vehicle, customer has any<br/>15 concerns, they will like to have anything<br/>16 done to the vehicle. You know, all those<br/>17 things are things that I have to communicate<br/>18 with the sales managers, just to make sure<br/>19 the sale, you know, that we finalize the sale<br/>20 the correct way, customer is happy, so on and<br/>21 so forth, yes.</p> <p>22 Q. Okay. So this would be at the<br/>23 point when -- and correct me if am I wrong<br/>24 here, I am just trying to ascertain -- this<br/>25 would be at the point when the consumer is in</p> | <p>1 Yessica K. Vallejo<br/>2 correct?<br/>3 A. Well, depending if he's in his<br/>4 office. We'll look for him. If he is on the<br/>5 floor, if he on the podium, if he is talking<br/>6 to a customer -- he could be doing different<br/>7 things, you know, or I will find him and ask<br/>8 him whatever I need.</p> <p>9 Q. Sure. Where is he usually?<br/>10 MR. GOODMAN: Object to the<br/>11 form.<br/>12 A. He is usually in the podium.<br/>13 Q. And what is "the podium"?<br/>14 A. On the sales floor.<br/>15 MR. GOODMAN: What is it?<br/>16 THE WITNESS: Sales floor.<br/>17 That's -- that's how it's called,<br/>18 it's called "podium." It look like<br/>19 a podium. That's where they all<br/>20 sit down, the sales managers.<br/>21 Q. So I have never been to Victory<br/>22 Mitsubishi in person myself. So could you<br/>23 explain to me a little bit of what the set up<br/>24 is of the sales floor?<br/>25 A. Well, you have the sales floor, you</p> |
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| <p>1 Yessica K. Vallejo<br/>2 your office, and you are going over finance<br/>3 options, and let's say the consumer wants to<br/>4 know about add-ons for the vehicle, is that<br/>5 something you might ask the sales manager<br/>6 about?<br/>7 A. Correct, yeah.<br/>8 Q. Okay, great. What about<br/>9 Mr. Orsaris, what parts of the sale are you<br/>10 working on with him?<br/>11 A. Stavros Orsaris?<br/>12 Q. Yes, yes. Sorry.<br/>13 A. Usually, I work the sale more<br/>14 directly with the sales manager. Stavros is<br/>15 the general sales manager. So if it's<br/>16 anything that the sales manager cannot make a<br/>17 decision on, then, we go to Stavros.<br/>18 Q. Okay. And I will keep calling him<br/>19 "Mr. Orsaris," when I need to specify.<br/>20 Stavros Orsaris has his own office<br/>21 at Victory Mitsubishi; is that correct?<br/>22 A. That is correct, yes.<br/>23 Q. And so if you or the sales manager<br/>24 had a question that you need to ask him, you<br/>25 would go to his office and ask him; is that</p>   | <p>1 Yessica K. Vallejo<br/>2 have the desk for the salespeople, we have a<br/>3 couple of Mitsubishi models on the floors so<br/>4 customer can see the new vehicles, and then<br/>5 we have type of -- it's like a podium, where<br/>6 all the sales managers sit at. So, usually,<br/>7 Stavros Orsaris is sitting there because,<br/>8 once again, he is the general sales manager,<br/>9 so he is there.<br/>10 Q. When you say, "because he is the<br/>11 general manager, he is there," is that, like,<br/>12 a good location for him to see everything<br/>13 that's happening in the dealership or --<br/>14 A. Absolutely.<br/>15 Q. And is there a computer at this<br/>16 podium?<br/>17 MR. GOODMAN: Object to the<br/>18 form; go ahead.<br/>19 A. Yes.<br/>20 Q. Is there more than one computer?<br/>21 A. Yes.<br/>22 Q. Does Stavros Orsaris have his own<br/>23 computer at the podium?<br/>24 A. Yes.<br/>25 Q. And do you -- each of the sales</p>             |

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| 1 Yessica K. Vallejo<br>2 managers have their own computer at the<br>3 podium?<br>4 A. Yes.<br>5 Q. And would the sales managers ever<br>6 log into Mr. Orsaris's computer for any<br>7 reason?<br>8 A. I don't know.<br>9 Q. Have you ever logged into<br>10 Mr. Orsaris's computer?<br>11 A. No.<br>12 Q. Does Mr. Orsaris have a computer in<br>13 his office?<br>14 A. Yes.<br>15 Q. And does anyone at the dealership<br>16 use tablets, or iPads, electronic devices,<br>17 like that?<br>18 A. I don't know.<br>19 Q. So you don't use any devices like<br>20 that, correct?<br>21 A. Nope.<br>22 Q. Have you ever seen anyone at the<br>23 dealership using a device like that?<br>24 A. I know Stavros has his laptop. I<br>25 mean, I don't know, I really don't know. I   | 1 Yessica K. Vallejo<br>2 Q. Are you looking at something right<br>3 now?<br>4 A. Yes, at the pen.<br>5 Q. So during the beginning of the<br>6 COVID-19 pandemic, Victory Mitsubishi was<br>7 only having consumers come in by appointment;<br>8 is that correct?<br>9 MR. GOODMAN: Object to<br>10 form; go ahead.<br>11 A. That is correct.<br>12 Q. And during that time, were you ever<br>13 dealing with consumers, prior to them coming<br>14 into the dealership by appointment?<br>15 MR. GOODMAN: Object to<br>16 form. Go ahead.<br>17 A. I don't understand the question.<br>18 Q. Sure. Would you ever speak on the<br>19 phone with a customer, prior to them coming<br>20 into the dealership by appointment?<br>21 A. No.<br>22 Q. Would you ever advise anyone at<br>23 Victory Mitsubishi about what a consumer<br>24 should bring in, prior to coming to the<br>25 dealership?                                    |
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| 1 Yessica K. Vallejo<br>2 don't pay attention to those -- I mean, to<br>3 those things, to be honest with you.<br>4 Q. Sure. When you say, he has his<br>5 laptop, is that separate from the computer at<br>6 the podium, and the computer in his office?<br>7 A. It's a laptop, yes.<br>8 Q. Okay. So let's talk about the work<br>9 that you do at Victory Mitsubishi.<br>10 When does your role in the sales<br>11 process begin?<br>12 A. After the customer agree to<br>13 purchase a vehicle, they have seen the<br>14 vehicle, they like the vehicle, they ready to<br>15 apply for financing for that vehicle that<br>16 they came in to look for. That's when the<br>17 customer goes to my office and we, you know,<br>18 we take a look of what the lenders have to<br>19 offer for that particular customer. We go<br>20 over the numbers together, we go over their<br>21 down payment, you know, sales taxes, I ask<br>22 the customer, "you okay with the car, you<br>23 happy with the car, did you look the vehicle,<br>24 we going to apply for financing?" You know,<br>25 and then that's basically the process. | 1 Yessica K. Vallejo<br>2 MR. GOODMAN: Object to<br>3 form.<br>4 A. No.<br>5 Q. Do you ever work with the other<br>6 finance managers on a sale or a deal?<br>7 A. Can you be a little bit more<br>8 specific?<br>9 Q. Sure. Let's say, you have a<br>10 consumer come into the dealership, and you<br>11 are entrusted in buying a vehicle, and they<br>12 want to arrange financing for the vehicle,<br>13 would there ever be a situation where more<br>14 than one finance manager would work on<br>15 arranging that financing?<br>16 A. No.<br>17 Q. Okay. So, essentially, each of the<br>18 finance managers deals with certain<br>19 customers. You get a certain customer<br>20 assigned to you as a finance manager; is that<br>21 correct?<br>22 A. When you say, "a certain customer,"<br>23 what you trying to imply by that?<br>24 Q. Sure. I think -- actually, I think<br>25 it's clear. I will just withdraw that |

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| <p>1 Yessica K. Vallejo<br/>2 question.<br/>3 So when, in the sales process, do<br/>4 you start making credit applications to<br/>5 lenders?<br/>6 A. When the customer is ready to apply<br/>7 for financing. After the customer look at<br/>8 the vehicle and provide his credit<br/>9 application and ID, and once, again, it's<br/>10 ready to apply for financing.<br/>11 Q. And so would you send out those<br/>12 applications, before the consumer came into<br/>13 your office?<br/>14 MR. GOODMAN: Object to<br/>15 form.<br/>16 Go ahead.<br/>17 A. Yeah.<br/>18 Q. And so the consumer would come in,<br/>19 and you would discuss with them responses you<br/>20 had received to those applications; is that<br/>21 correct?<br/>22 A. That is correct.<br/>23 Q. What sort of things would you<br/>24 discuss with the consumer?<br/>25 A. Basically, the price of the</p>   | <p>Page 69</p> <p>1 Yessica K. Vallejo<br/>2 financing," do you mean you would send out<br/>3 additional credit applications?<br/>4 A. Correct.<br/>5 Q. And let's say you show the customer<br/>6 the retail installment sales contract --<br/>7 that's the document you were talking about,<br/>8 right?<br/>9 A. Yeah, we can show that, we can show<br/>10 the purchase agreement, the bill of sales.<br/>11 Whatever the customer request, we print and<br/>12 we show them.<br/>13 Q. Okay. So you show them these<br/>14 documents and they say, "okay, this looks<br/>15 great" -- what happens then?<br/>16 A. Then, okay, so if the customer is<br/>17 okay with everything, they make the down<br/>18 payment, usually the sales manager takes care<br/>19 of that, and they go with the salesperson,<br/>20 and they -- they do their insurance, the<br/>21 customer, they do their insurance, you know,<br/>22 to transfer the plates or whatever, and once<br/>23 everything is done, car ready, it's clean,<br/>24 it's inspected and all of that, then, I get<br/>25 all the paperwork, and then I finalize the</p> |
| <p>1 Yessica K. Vallejo<br/>2 vehicle, sales taxes, interest rate, the term<br/>3 of the financing, and how much money you<br/>4 borrowing from the lender. Basically, what<br/>5 we discuss is the truth in lending part of<br/>6 the contract.<br/>7 Q. And so would you actually have a<br/>8 contract there ready for them to look at at<br/>9 that stage?<br/>10 A. The customer is entitled to a blank<br/>11 copy of the retail sales contract. They have<br/>12 to review, before anything. Then, if the<br/>13 customer agrees, then, we move on to the next<br/>14 part.<br/>15 Q. If the consumer wasn't happy with<br/>16 the terms, for example, if they didn't like<br/>17 the interest rate that they were receiving on<br/>18 the deal, what would happen next?<br/>19 A. Well, if the customer is not okay<br/>20 with the terms and what the lenders have to<br/>21 provide, then, the process stops right there.<br/>22 And we try to look for better financing. If<br/>23 cannot get any better financing, then, that's<br/>24 all.<br/>25 Q. When you say, "look for better</p> | <p>Page 70</p> <p>1 Yessica K. Vallejo<br/>2 deal. I print the final paperwork with<br/>3 everything correct, and accurate, and then I<br/>4 bring the customer back to my office. We,<br/>5 once again, review all the paperwork, review<br/>6 the vehicle, and the customer signs the<br/>7 paperwork, and then they go home with their<br/>8 car.<br/>9 Q. Okay. Let's talk about the --<br/>10 start with the security deposit. You said,<br/>11 usually, the sales manager takes the security<br/>12 deposit. Would you ever take the security<br/>13 deposit; for example, if all the sales<br/>14 managers are busy with other customers?<br/>15 A. What's the "security deposit"?</p> <p>16 Q. Sorry, I am thinking of<br/>17 landlord/tenant. The down payment.<br/>18 A. Oh, yes, sales managers take care<br/>19 of the down payment.<br/>20 Q. Would you ever take care of the<br/>21 down payment, if all the sales managers were<br/>22 busy with other customers?<br/>23 A. No, never.<br/>24 Q. Would Stavros Orsaris ever take<br/>25 care of the security -- excuse me.</p>                                       |

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| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                           |
| 2  | Would Stavros Orsaris ever take               | 2  | safe, who have passwords to touch the safe.  |
| 3  | care of the down payment?                     | 3  | I have no knowledge of nothing that have to  |
| 4  | A. I don't know.                              | 4  | do with the safe.                            |
| 5  | Q. Have you ever seen them take a down        | 5  | Q. Okay, are you a salaried employee?        |
| 6  | payment?                                      | 6  | A. I am a commission employee.               |
| 7  | A. I don't recall.                            | 7  | Q. Okay. And do you have a base              |
| 8  | Q. David Perez was a sales manager at         | 8  | salary?                                      |
| 9  | Victory Mitsubishi, correct?                  | 9  | A. No.                                       |
| 10 | A. That is correct.                           | 10 | Q. Okay. And how does your commission        |
| 11 | Q. And if you were working with               | 11 | work?  |
| 12 | Mr. Perez on a sale, and the consumer was     | 12 | MR. GOODMAN: You can                         |
| 13 | ready to make their down payment, would he be | 13 | answer.                                      |
| 14 | the person to take the down payment, if he    | 14 | A. I get paid twelve percent of the          |
| 15 | was the sales manager who had been working    | 15 | total gross of the deal that I do.           |
| 16 | with the customer?                            | 16 | Q. What does "total gross of the deal"       |
| 17 | A. Correct.                                   | 17 | mean?  |
| 18 | Q. And would he also print the receipt        | 18 | A. Total gross profit of the deal.           |
| 19 | for the down payment?                         | 19 | Q. And I know this is going to sound         |
| 20 | A. I believe so.                              | 20 | nitpicking, but that's the profit to Victory |
| 21 | Q. And what happens to the down               | 21 | Mitsubishi, correct?                         |
| 22 | payment?                                      | 22 | A. That is correct.                          |
| 23 | A. We have a safe. We put the down            | 23 | Q. And what company is the payor of          |
| 24 | payments in the safe.                         | 24 | your paycheck?                               |
| 25 | Q. And where is the safe?                     | 25 | A. I believe it's ADT.                       |
|    | Page 74                                       |    | Page 76                                      |
| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                           |
| 2  | A. Stavros's office.                          | 2  | Q. Sorry, could you repeat that?             |
| 3  | Q. Is the door to Stavros's office            | 3  | A. I believe it's ADT.                       |
| 4  | usually open during the day?                  | 4  | MR. GOODMAN: ADT is a                        |
| 5  | MR. GOODMAN: Object to                        | 5  | payroll processing.                          |
| 6  | form.   | 6  | THE WITNESS: Yes.                            |
| 7  | A. I don't know.                              | 7  | MR. GOODMAN: Do you know                     |
| 8  | Q. Do you have a key to Stavros'              | 8  | who actually pays -- the company             |
| 9  | office?                                       | 9  | that pays the money to you?                  |
| 10 | A. No.  | 10 | The name, that's what she's                  |
| 11 | Q. Do the sales managers have keys to         | 11 | asking.                                      |
| 12 | Stavros' office?                              | 12 | THE WITNESS: Victory                         |
| 13 | A. I don't know.                              | 13 | Mitsubishi.                                  |
| 14 | Q. Do you know the combination code to        | 14 | MR. GOODMAN: All right.                      |
| 15 | the safe?                                     | 15 | Q. Do you get a physical paycheck or         |
| 16 | A. No.  | 16 | do you have direct deposit set up?           |
| 17 | Q. So you can't access the safe; is           | 17 | A. I get my physical paycheck.               |
| 18 | that correct?                                 | 18 | Q. And it says, "Victory Mitsubishi"         |
| 19 | A. That's correct. I cannot access            | 19 | on your paycheck?                            |
| 20 | the safe.                                     | 20 | A. I don't know. I will have to go           |
| 21 | Q. And the sales managers can access          | 21 | and look at it.                              |
| 22 | the safe to put in the down payments; is that | 22 | Q. Okay. If we can just leave a space        |
| 23 | correct?                                      | 23 | in the transcript here, and if you can just  |
| 24 | A. I don't know. I don't know who             | 24 | let us know later on.                        |
| 25 | puts the money in the safe, who handles the   | 25 | A. For sure.                                 |

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|    |   | Page 77 | Page 79                                     |
|----|---|---------|---|
| 1  | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                          |
| 2  | MR. GOODMAN: Take it under                    | 2       | A. No.                                      |
| 3  | advisement.                                   | 3       | Q. Where is his office?                     |
| 4  | Q. So you started working at Victory          | 4       | A. On the sales floor.                      |
| 5  | Mitsubishi as a financial assistant around    | 5       | Q. Okay. Your current office is on          |
| 6  | 2017; is that correct?                        | 6       | the sales floor; is that correct?           |
| 7  | MR. GOODMAN: Object to                        | 7       | A. That is correct.                         |
| 8  | form; asked and answered. Go                  | 8       | Q. All of the finance managers have         |
| 9  | ahead.  | 9       | offices on the sales floor, correct?        |
| 10 | A. Around there. Remember, I told you         | 10      | A. Yes.                                     |
| 11 | that I don't have specific dates in my mind.  | 11      | Q. Chris Orsaris has an office on the       |
| 12 | Q. Of course.                                 | 12      | sales floor; is that correct?               |
| 13 | A. If you need exact date, I can ask          | 13      | A. No, that is not correct.                 |
| 14 | my employer to provide that.                  | 14      | Q. Is Chris Orsaris's office in the         |
| 15 | Q. No, that's okay. During your time          | 15      | back office?                                |
| 16 | working at Victory Mitsubishi, was there ever | 16      | MR. GOODMAN: Object to                      |
| 17 | s major change in the employees or managers,  | 17      | form.                                       |
| 18 | you know, a bunch of people getting laid off  | 18      | A. I don't know where Chris Orsaris's       |
| 19 | at the same time, a bunch of people being     | 19      | office is. If he has an office, I have no   |
| 20 | laid off at the same time, something like     | 20      | recollection of that.                       |
| 21 | that?   | 21      | Q. Okay. When you were a financial          |
| 22 | MR. GOODMAN: Object to                        | 22      | assistant, were you a paid by commission as |
| 23 | form; go ahead.                               | 23      | well?                                       |
| 24 | A. Not that I recall.                         | 24      | A. No.                                      |
| 25 | Q. Were there ever any major                  | 25      | Q. You were salaried at that time; is       |
|    |   | Page 78 | Page 80                                     |
| 1  | Yessica K. Vallejo                            | 1       | Yessica K. Vallejo                          |
| 2  | restructuring of how the dealership operated? | 2       | that correct?                               |
| 3  | MR. GOODMAN: Object to                        | 3       | A. Correct.                                 |
| 4  | form.   | 4       | Q. And during your time as a finance        |
| 5  | A. No.  | 5       | manager, has the way you are paid ever      |
| 6  | Q. And you were always working at the         | 6       | changed?                                    |
| 7  | 4070 Boston Road address, correct?            | 7       | A. No.                                      |
| 8  | A. That is correct.                           | 8       | Q. Has your commission rate changed in      |
| 9  | Q. When you were a financial                  | 9       | any way?                                    |
| 10 | assistant, do you have your own office?       | 10      | A. No.                                      |
| 11 | A. Yes.                                       | 11      | Q. When did David Perez start working       |
| 12 | Q. Is it the same office that you have        | 12      | at Victory Mitsubishi?                      |
| 13 | today?  | 13      | A. I don't know. I have no                  |
| 14 | A. No.  | 14      | recollection of the time.                   |
| 15 | Q. Was this office on the sales floor?        | 15      | Q. Did he start working there before        |
| 16 | A. No.  | 16      | you?  |
| 17 | Q. Where was it in the dealership?            | 17      | A. After me.                                |
| 18 | A. The office was in the accounting           | 18      | Q. After you. What was his title when       |
| 19 | office.                                       | 19      | he started?                                 |
| 20 | Q. Where is the accounting office,            | 20      | A. He was a salesman.                       |
| 21 | generally?                                    | 21      | Q. And she would become a sales             |
| 22 | A. It's in the back. We call it "the          | 22      | manager, correct?                           |
| 23 | back office," yeah.                           | 23      | A. You mean "he."                           |
| 24 | Q. Is that where Stavros Orsaris's            | 24      | MR. GOODMAN: Yeah, I think                  |
| 25 | office is?                                    | 25      | you said "she."                             |

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|    |   | Page 81 | Page 83                                      |
|----|---|---------|--|
| 1  | Yessica K. Vallejo                          | 1       | Yessica K. Vallejo                           |
| 2  | MS. CATERINE: Oh, I meant                   | 2       | MR. GOODMAN: Object to                       |
| 3  | he.   | 3       | form.  |
| 4  | THE WITNESS: He. Yes, he                    | 4       | A. To my understanding, she was the          |
| 5  | got promotion.                              | 5       | owner of Victory Mitsubishi.                 |
| 6  | Q. When was that?                           | 6       | Q. So is that "yes" or "no," as to her       |
| 7  | A. I don't recall the timing.               | 7       | also being a manager?                        |
| 8  | Q. And who is Phillip Argyropoulos?         | 8       | A. I only know Diane as the owner of         |
| 9  | MR. GOODMAN: Object to                      | 9       | Victory Mitsubishi. Any other positions, I   |
| 10 | form; go ahead.                             | 10      | have no recollection. I can't tell you       |
| 11 | A. I believe that's Diane's husband.        | 11      | because I don't know.                        |
| 12 | Q. And he was an owner of the               | 12      | Q. Okay. Has Diane ever been present         |
| 13 | dealership, correct?                        | 13      | at meetings at Victory Mitsubishi, including |
| 14 | MR. GOODMAN: Object to                      | 14      | by phone or by Zoom call?                    |
| 15 | form.                                       | 15      | MR. GOODMAN: Object to                       |
| 16 | A. To my understanding, she is.             | 16      | form.  |
| 17 | Q. Was he ever an owner of the              | 17      | A. Meeting that I have been present,         |
| 18 | dealership?                                 | 18      | no.  |
| 19 | MR. GOODMAN: Object to                      | 19      | Q. Has Stavros Orsaris ever mentioned        |
| 20 | form.                                       | 20      | needing to get Diane's approval for anything |
| 21 | A. I don't know.                            | 21      | at Victory Mitsubishi?                       |
| 22 | Q. Have you ever seen Mr. Argyropoulos      | 22      | MR. GOODMAN: Objection to                    |
| 23 | come into Victory Mitsubishi?               | 23      | form.  |
| 24 | A. No.                                      | 24      | A. No.                                       |
| 25 | Q. Has Mr. Argyropoulos ever given you      | 25      | Q. Has Diane ever given you                  |
|    |   | Page 82 | Page 84                                      |
| 1  | Yessica K. Vallejo                          | 1       | Yessica K. Vallejo                           |
| 2  | instructions about how to do your work at   | 2       | instructions as to how to do your work at    |
| 3  | Victory Mitsubishi?                         | 3       | Victory Mitsubishi?                          |
| 4  | A. No.                                      | 4       | A. No.                                       |
| 5  | Q. Has Mr. Argyropoulos ever been           | 5       | Q. How often do you see Diane at             |
| 6  | present for meetings at Victory Mitsubishi, | 6       | Victory Mitsubishi?                          |
| 7  | including by phone or by Zoom call?         | 7       | A. Maybe once a month, every two             |
| 8  | MR. GOODMAN: Object to the                  | 8       | months.                                      |
| 9  | form; go ahead.                             | 9       | Q. And --                                    |
| 10 | A. Meetings with me, per se?                | 10      | A. I don't see her often.                    |
| 11 | Q. Meetings you were present at.            | 11      | Q. And what is she coming in to do?          |
| 12 | A. No.                                      | 12      | MR. GOODMAN: Object to                       |
| 13 | Q. Do you know if he has met with           | 13      | form.  |
| 14 | anyone else?                                | 14      | A. I don't know.                             |
| 15 | A. I don't know.                            | 15      | Q. Does she have an office at the            |
| 16 | Q. What work does Mr. Argyropoulos do       | 16      | dealership?                                  |
| 17 | for Victory Mitsubishi?                     | 17      | A. I don't know. Not on the sales            |
| 18 | A. I don't know.                            | 18      | floor. Remember, I am only in the sales      |
| 19 | Q. And who is Diane Argyropoulos?           | 19      | floor, so...                                 |
| 20 | MR. GOODMAN: Object to                      | 20      | Q. You don't know what happens in the        |
| 21 | form.                                       | 21      | back office?                                 |
| 22 | A. To my understanding, she is the          | 22      | A. I don't know. I don't know, you           |
| 23 | owner of Victory Mitsubishi.                | 23      | know, how it is. They owners, so -- she is   |
| 24 | Q. And is she a manager at Victory          | 24      | an owner. I don't know.                      |
| 25 | Mitsubishi as well?                         | 25      | Q. How did the way that Victory              |

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| Page 85   | Page 87  |
|---|--|
| 1 Yessica K. Vallejo<br>2 Mitsubishi did business change during the<br>3 COVID-19 pandemic?<br>4 A. The only thing that I can tell you<br>5 that we changed is that we were working only<br>6 by appointment, appointment only, and, of<br>7 course, we applied the COVID-19 protocols,<br>8 you know, of wearing the mask, using the<br>9 glass protector, you know, I mean, to protect<br>10 consumer, customer, and also to protect us<br>11 because we were working in middle of<br>12 pandemic, you know, we all have family at<br>13 home and, you know, we were taking the -- we<br>14 were -- basically, we were following the CDC<br>15 guidelines. But the way we do business was<br>16 the same way. The only thing is that we work<br>17 only by appointment.<br>18 Q. And did you have one of these glass<br>19 protectors in your office?<br>20 A. Yes.<br>21 Q. And when you had consumers in your<br>22 office, would you ever ask them to pull down<br>23 their mask?<br>24 A. Sometimes.<br>25 Q. And when would you ask them to do | 1 Yessica K. Vallejo<br>2 by appointment only?<br>3 A. I don't recall.<br>4 Q. Was it at least until the end of<br>5 2020?<br>6 A. I really don't recall, to be very<br>7 honest with you, because I am not the one<br>8 that made those calls, you know, those are<br>9 made by my supervisor, which is Stavros. So<br>10 I don't know how long they implied that. I<br>11 don't know. I, honestly, don't know.<br>12 Q. Okay. Was it still by appointment<br>13 only on June 29, 2020?<br>14 A. I don't know.<br>15 Q. During this time when it was<br>16 appointment only, who would be the first<br>17 person at Victory Mitsubishi that a customer<br>18 would talk to when they came in to buy a<br>19 vehicle?<br>20 MR. GOODMAN: Object to<br>21 form.<br>22 A. It would be probably the sales<br>23 manager or the salesperson.<br>24 Q. Okay. And when would they have the<br>25 consumer fill out a credit application?   |
| Page 86   | Page 88  |
| 1 Yessica K. Vallejo<br>2 that?<br>3 A. If I look at the ID and I can't<br>4 somehow, you know, believe that the person on<br>5 the ID doesn't look like the person in front<br>6 of me. But usually that process, that<br>7 verification process is done with the sales<br>8 manager outside my office.<br>9 Q. And that process didn't change<br>10 during the COVID-19 pandemic; is that<br>11 correct?<br>12 A. No, it was the same process since I<br>13 start working there.<br>14 Q. Okay. And so when the shutdown<br>15 order was given at the beginning of the<br>16 COVID-19 pandemic, were you laid off at any<br>17 point, even temporarily?<br>18 A. When they shut off all the<br>19 businesses, yeah, we were closed down, I<br>20 believe, yeah.<br>21 Q. And by May 30 of 2020, you were<br>22 operating by appointment only; is that<br>23 correct?<br>24 A. That is correct.<br>25 Q. And how long would you be working   | 1 Yessica K. Vallejo<br>2 MR. GOODMAN: Object to<br>3 form, but go ahead.<br>4 A. I mean, I don't know, to be honest<br>5 with you. Probably what I believe is after<br>6 the customer sees the car they looking for,<br>7 test drive, look at it, make sure they like<br>8 it, if they ready to apply for financing,<br>9 ready to buy, they love the car, they want<br>10 the car, then, they move on to the next<br>11 process, which is fill that credit<br>12 application.<br>13 Q. Would you ever help a customer fill<br>14 out a credit application?<br>15 A. No.<br>16 Q. Once a customer has filled a credit<br>17 application, that information is used to pull<br>18 the customer's credit report; is that<br>19 correct?<br>20 A. That is correct. If it's signed<br>21 and dated, yes.<br>22 Q. And I think you may have said this<br>23 before, but would you ever be the one to pull<br>24 the credit report with the information from<br>25 the credit application? |

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|    | Page 89                                       |    | Page 91                                       |
|----|---|----|---|
| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                            |
| 2  | MR. GOODMAN: Objection to                     | 2  | Mitsubishi.                                   |
| 3  | form. Go ahead.                               | 3  | Q. Okay. And if a consumer's credit           |
| 4  | A. Usually, it's David. It was, I             | 4  | report was pulled, and that consumer had no   |
| 5  | mean, one of the sales managers, David or     | 5  | credit history, what would happen?            |
| 6  | Stavros. But I could pull credit too, if      | 6  | MR. GOODMAN: Objection to                     |
| 7  | it's necessary.                               | 7  | form; go ahead.                               |
| 8  | Q. When you say, "if it was                   | 8  | A. What would happen with what                |
| 9  | necessary," would that be, if, you know,      | 9  | specific -- I mean, with what?                |
| 10 | Stavros and David are busy with other         | 10 | Q. Well, what would happen in the             |
| 11 | customers, and they need someone else to pull | 11 | process of the sale?                          |
| 12 | the credit report, in a situation like that,  | 12 | A. I mean, we go along with the sale.         |
| 13 | would you be the one pulling the credit       | 13 | It doesn't matter if you have credit or no    |
| 14 | report?                                       | 14 | credits. We still have lenders that can       |
| 15 | A. Yes.                                       | 15 | approve your loan with credit or not credit.  |
| 16 | Q. Okay. Would you do that through            | 16 | The only reason if we did not move forward    |
| 17 | Deal Tracker, correct?                        | 17 | with that sale is because the customer didn't |
| 18 | A. That is correct.                           | 18 | like the car, didn't like the vehicle, per se |
| 19 | Q. Would there be a record on Deal            | 19 | so if the customer doesn't like the car,      |
| 20 | Tracker showing that a credit report was      | 20 | there's no reason for us to submit my loan to |
| 21 | pulled?                                       | 21 | the bank because the customer doesn't want to |
| 22 | A. Yes.                                       | 22 | buy.  |
| 23 | Q. And would it show the date and time        | 23 | MR. GOODMAN: Just try to                      |
| 24 | that the credit report was pulled?            | 24 | answer the question that she's                |
| 25 | A. Correct.                                   | 25 | asking.                                       |
|    | Page 90                                       |    | Page 92                                       |
| 1  | Yessica K. Vallejo                            | 1  | Yessica K. Vallejo                            |
| 2  | Q. And as far as you're aware, the            | 2  | Q. So if a consumer has no credit             |
| 3  | date and time shown would be accurate,        | 3  | history, would that change the way that you,  |
| 4  | correct?                                      | 4  | for example, submit a credit application?     |
| 5  | MR. GOODMAN: Object to                        | 5  | A. Absolutely not. Everybody gets             |
| 6  | form.   | 6  | treated the same way. Every application gets  |
| 7  | A. There's no way for me to know if           | 7  | worked the same exact way.                    |
| 8  | it's accurate because it's a system that's a  | 8  | Q. If two consumers were applying             |
| 9  | platform. It could have -- I mean, there      | 9  | together, if there's a co-applicant for the   |
| 10 | could be any errors. They work on eastern     | 10 | credit application, and one of the consumers  |
| 11 | time, I believe. I mean, they not even in     | 11 | had no credit history, would you ever advise  |
| 12 | New York. So maybe the timing might be        | 12 | the other consumer to apply for credit by     |
| 13 | incorrect. I mean, it could be anything. I    | 13 | themselves?                                   |
| 14 | cannot tell you 100 percent that it's         | 14 | A. No.  |
| 15 | accurate. That I cannot do.                   | 15 | Q. And if a consumer had no credit            |
| 16 | Q. Okay, sure. But when you have              | 16 | history, would you ever advise them that they |
| 17 | pulled a credit report, do you ever recall    | 17 | may be able to obtain more favorable          |
| 18 | the time and the date shown for the credit    | 18 | financing options by getting a co-applicant?  |
| 19 | pull to be inaccurate?                        | 19 | A. No.  |
| 20 | MR. GOODMAN: Object to                        | 20 | Q. Would the sales manager ever advise        |
| 21 | form.   | 21 | a consumer to do that?                        |
| 22 | A. I don't know. I never had to go            | 22 | MR. GOODMAN: Form.                            |
| 23 | back and double-check timing and dating for   | 23 | A. I don't know.                              |
| 24 | any credit pull that I have done, in the      | 24 | Q. Have you ever advised a consumer to        |
| 25 | years that I have been working at Victory     | 25 | get a co-applicant to obtain more favorable   |

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|--|---|
| 1 Yessica K. Vallejo<br>2 financing?<br>3 MR. GOODMAN: Objection to<br>4 the form; go ahead.<br>5 A. No.<br>6 Q. And if a consumer had a<br>7 co-applicant's information, their driver's<br>8 license, and their social security number,<br>9 you would pull that co-applicant's credit<br>10 report as well, correct?<br>11 MR. GOODMAN: Object to<br>12 form.<br>13 A. No.<br>14 Q. Why not?<br>15 A. Because if you go to the dealership<br>16 with somebody else's information, and that<br>17 person is not there, we not going to pull<br>18 their credit. That's illegal.<br>19 Q. Okay. But in May of 2020, pandemic<br>20 is going on and you are only able to see<br>21 consumers by appointment, during this time,<br>22 customer might not want to have to leave and<br>23 go get co-applicant to come in person -- so<br>24 did any consumers ask you to pull the credit<br>25 report for a co-applicant? | 1 Yessica K. Vallejo<br>2 bathroom.<br>3 Q. So there's a video camera in your<br>4 office; is that correct?<br>5 A. That is correct.<br>6 Q. And do you control that camera in<br>7 your office?<br>8 A. No.<br>9 MR. GOODMAN: Object.<br>10 Q. Who does control that camera?<br>11 MR. GOODMAN: Object to the<br>12 form.<br>13 A. I don't know.<br>14 Q. Has anyone ever come into your<br>15 office to turn the camera on and off or<br>16 adjust it in any way?<br>17 A. No.<br>18 Q. Has anyone ever come into your<br>19 office to do repairs on the camera?<br>20 MR. GOODMAN: Object to<br>21 form.<br>22 A. Not on my presence, so I don't<br>23 know.<br>24 Q. And what happens to the video<br>25 footage captured by that camera?                 |
| Page 94  | Page 96   |
| 1 Yessica K. Vallejo<br>2 MR. GOODMAN: Object to<br>3 form; go ahead.<br>4 A. No.<br>5 Q. A consumer had a co-applicant's<br>6 permission to pull a credit report, but the<br>7 co-applicant was not present at the<br>8 dealership, could you pull the credit report<br>9 then?<br>10 MR. GOODMAN: Object to<br>11 form.<br>12 A. Absolutely not. That's illegal.<br>13 You can't do that.<br>14 Q. Video recordings are made of the<br>15 sales at the dealership, correct?<br>16 MR. GOODMAN: Objection; go<br>17 ahead.<br>18 A. I don't know. Are they? I don't<br>19 know.<br>20 Q. Are there video cameras at Victory<br>21 Mitsubishi?<br>22 A. Yes, there are.<br>23 Q. And where are there video cameras<br>24 at Victory Mitsubishi?<br>25 A. All over the dealership, except the   | 1 Yessica K. Vallejo<br>2 A. I don't know. I don't control<br>3 that.<br>4 Q. But you have access to that<br>5 footage, correct?<br>6 A. No.<br>7 Q. Who does have access to that<br>8 footage?<br>9 A. I don't know.<br>10 MR. GOODMAN: Let her<br>11 finish.<br>12 Q. We talked earlier about how<br>13 different lenders have different requirements<br>14 for credit applications, correct?<br>15 A. Correct.<br>16 Q. And do any lenders require video<br>17 recordings as one of their requirements for<br>18 credit applications?<br>19 A. Not the lenders that I work with,<br>20 no.<br>21 Q. Okay. Has there ever been identity<br>22 theft at Victory Mitsubishi while you have<br>23 been working there?<br>24 MR. GOODMAN: Object to<br>25 form. |

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|    |  | Page 97 | Page 99                                  |
|----|--|---------|--|
| 1  | Yessica K. Vallejo                         | 1       | Yessica K. Vallejo                       |
| 2  | A. No.                                     | 2       | back at ten to two. That's               |
| 3  | Q. Have you ever spoken with any           | 3       | half-hour, basically.                    |
| 4  | police officers while working at Victory   | 4       | THE WITNESS: I mean, you                 |
| 5  | Mitsubishi?                                | 5       | guys want to stop now for                |
| 6  | A. No.                                     | 6       | half-hour?                               |
| 7  | Q. Has a consumer ever told you that a     | 7       | MS. CATERINE: Yeah.                      |
| 8  | vehicle was sold or financed in their name | 8       | THE WITNESS: That's fine                 |
| 9  | without their authorization?               | 9       | with me.                                 |
| 10 | A. No.                                     | 10      | MS. CATERINE: Okay.                      |
| 11 | Q. Okay.                                   | 11      | (Whereupon, a lunch recess               |
| 12 | MS. CATERINE: I think now                  | 12      | was taken at 1:23 p.m.)                  |
| 13 | might be a good time to break for          | 13      | (Time noted: 1:55 p.m.)                  |
| 14 | lunch, if that's something you want        | 14      | BY MS. CATERINE:                         |
| 15 | to do.                                     | 15      | Q. Ms. Vallejo, you said you used your   |
| 16 | MR. GOODMAN: Yes, that is                  | 16      | personal cell phone sometimes to contact |
| 17 | something we want to do.                   | 17      | customers at Victory Mitsubishi; is that |
| 18 | MS. CATERINE: How long                     | 18      | correct?                                 |
| 19 | would you like for lunch, Ms.              | 19      | A. Sometimes. Very few times.            |
| 20 | Vallejo?                                   | 20      | Q. And what is your cell phone number?   |
| 21 | THE WITNESS: Two hours.                    | 21      | MR. GOODMAN: Okay, I will                |
| 22 | MR. GOODMAN: I am trying to                | 22      | object. I will take it under             |
| 23 | tell her two o'clock.                      | 23      | advisement, and we'll -- if we           |
| 24 | THE WITNESS: Sorry, I can't                | 24      | produce it, it will be off the           |
| 25 | be doing this around three o'clock.        | 25      | record.                                  |
|    |  | Page 98 | Page 100                                 |
| 1  | Yessica K. Vallejo                         | 1       | Yessica K. Vallejo                       |
| 2  | That's the time my son get out of          | 2       | MS. CATERINE: If she is                  |
| 3  | school, so I have to make sure he          | 3       | using it in the course of the            |
| 4  | gets home safe.                            | 4       | dealership, I think I am entitled        |
| 5  | MR. GOODMAN: So what I hear                | 5       | to it.                                   |
| 6  | her saying is that at around three         | 6       | MR. GOODMAN: No, you have                |
| 7  | o'clock, we need to take a break.          | 7       | no foundation that it has anything       |
| 8  | THE WITNESS: I can't be                    | 8       | to do with this case. There are          |
| 9  | doing this around three o'clock.           | 9       | questions you could ask about that.      |
| 10 | MS. CATERINE: For how long?                | 10      | I will not go further.                   |
| 11 | THE WITNESS: For, like,                    | 11      | THE WITNESS: I never say                 |
| 12 | half-hour.                                 | 12      | that I use my phone for this             |
| 13 | MR. GOODMAN: She needs                     | 13      | particular transaction.                  |
| 14 | half-hour break.                           | 14      | MR. GOODMAN: Just let her                |
| 15 | THE WITNESS: Three o'clock,                | 15      | ask the questions.                       |
| 16 | that's correct.                            | 16      | Q. Do you use the same phone number in   |
| 17 | MR. GOODMAN: We will have                  | 17      | May of 2020, as you use today?           |
| 18 | to stop from three to three-thirty.        | 18      | A. No.                                   |
| 19 | Let's take a shorter break now, if         | 19      | Q. And when did it change?               |
| 20 | that makes sense.                          | 20      | MR. GOODMAN: We're talking               |
| 21 | MS. CATERINE: As long as                   | 21      | about your personal -- her personal      |
| 22 | that gives us enough time to have          | 22      | cell phone number?                       |
| 23 | lunch. Ms. Vallejo, it's really up         | 23      | MS. CATERINE: Yeah, her                  |
| 24 | to you.                                    | 24      | personal cell phone number.              |
| 25 | MR. GOODMAN: Let's come                    | 25      | A. I think I changed companies, like,    |

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| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                             | Page 103 |
| 2 maybe two years ago. And then that's how I    | 2 Q. Sorry, could you please clarify?            |          |
| 3 changed my number.                            | 3 A. Okay, what I am trying to explain           |          |
| 4 Q. Okay. And who was your cell phone          | 4 to you is, if during that particular           |          |
| 5 provider in May of 2020?                      | 5 transaction there would have been any red      |          |
| 6 A. I don't remember.                          | 6 flags, the transaction would have never been   |          |
| 7 Q. And who did your cell phone                | 7 completed. But I need to understand what is    |          |
| 8 provider change to?                           | 8 that you are trying to imply. Like what is     |          |
| 9 A. Right now I have AT&T.                     | 9 that that you are telling me that went wrong   |          |
| 10 Q. Okay. And that change happened            | 10 with the transaction, per se?                 |          |
| 11 sometime in 2020?                            | 11 Q. Well, I am trying -- what I would          |          |
| 12 A. I think I changed companies two           | 12 like to know is -- I am not asking -- not yet |          |
| 13 years ago.                                   | 13 -- about what happened during the             |          |
| 14 Q. So around November or December of         | 14 transaction. I am just asking you what you    |          |
| 15 2020?  | 15 remember.                                     |          |
| 16 A. I don't recall.                           | 16 A. About what it is specific?                 |          |
| 17 Q. And have you ever sent text               | 17 Q. About the whole transaction.               |          |
| 18 messages in connection with your work?       | 18 A. I sit down with a hundred, plus,           |          |
| 19 A. No.                                       | 19 customers a month. It's -- I am not going to  |          |
| 20 Q. You previously testified that you         | 20 tell you here, "I sit down," and tell you     |          |
| 21 don't have any personal recollection of Ms.  | 21 that I remember exactly what happened. Based  |          |
| 22 Francois' account; is that correct?          | 22 on the process, our training, the procedures  |          |
| 23 MR. GOODMAN: Object to the                   | 23 that we have, I can tell you. I can talk to   |          |
| 24 form; go ahead.                              | 24 you about the transaction, based on that.     |          |
| 25 A. Did -- repeat that question,              | 25 Because it's the same repetitive procedure    |          |
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| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                             | Page 104 |
| 2 please.                                       | 2 for every single customer. So on that          |          |
| 3 Q. Sure. Do you remember anything             | 3 transaction, there was no red flags at all     |          |
| 4 about Ms. Francois' account?                  | 4 whatsoever. So that's why I am telling you,    |          |
| 5 MR. GOODMAN: Object to                        | 5 it was a simple, regular transaction           |          |
| 6 form; go ahead.                               | 6 purchasing a -- customer purchasing a          |          |
| 7 A. No, I don't have fully recollection        | 7 vehicle. That's it.                            |          |
| 8 of it. It was just a regular deal with no     | 8 Q. And when you say, there are "no red         |          |
| 9 hiccups, no red flags, to my knowledge.       | 9 flags," that's based on your review of the     |          |
| 10 Q. When you say, "it was a regular           | 10 deal jacket, correct?                         |          |
| 11 deal with no red flags," to your knowledge,  | 11 A. That's based on my memory and              |          |
| 12 are you referring -- are you saying that     | 12 reviewing the deal jacket, yes.               |          |
| 13 based open your review of the documents?     | 13 Q. Well, what is your memory of that?         |          |
| 14 A. I am saying that based on that in         | 14 A. That the customer came in to buy a         |          |
| 15 the -- in the -- if there would be any red   | 15 car and they bought a car.                    |          |
| 16 flags about that deal, the deal would have   | 16 Q. And what who do you mean by, "the          |          |
| 17 never happened. So I don't recall any issues | 17 customer"?                                    |          |
| 18 with the transaction whatsoever. At all.     | 18 A. The customer.                              |          |
| 19 Q. So if I understand you correctly,         | 19 Q. What's their name?                         |          |
| 20 you are saying, if there had been any red    | 20 A. The person that purchased the              |          |
| 21 flags in the transaction, that would have    | 21 vehicle. The person in -- in question. The    |          |
| 22 been something memorable; is that correct?   | 22 reason because we're here right now.          |          |
| 23 MR. GOODMAN: Object to                       | 23 Q. Do you remember their name?                |          |
| 24 form.  | 24 A. Her name is Farah Francois.                |          |
| 25 A. No.                                       | 25 Q. Okay, so you remember Ms. Francois         |          |

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|--|--|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 coming into the dealership; is that correct?   | 2 can assure you.                                |
| 3 A. I don't remember, per se, her               | 3 Q. Sure. I understand what the                 |
| 4 coming into the dealership, but there was a    | 4 policies are, as you have -- as you have       |
| 5 person there. It was a person in the office.   | 5 stated them. What I am asking is, is if you    |
| 6 If it was not her, it was somebody trying to   | 6 remember talking to her, not whether you knew  |
| 7 imperson [sic] her, but it was definitely      | 7 you would have talked to her.                  |
| 8 somebody there.                                | 8 But do you, specifically, remember             |
| 9 Q. Well, I guess I am a little bit             | 9 talking to her?                                |
| 10 confused. What exactly do you remember        | 10 A. I, specifically, don't recall the          |
| 11 happening on May 30, 2020?                    | 11 sale. But if they purchased a car, and I was  |
| 12 A. There was a person there buying a          | 12 the finance manager, it was somebody there.   |
| 13 vehicle, and they bought the vehicle, and     | 13 That I can assure you.                        |
| 14 they went home with their vehicle.            | 14 Q. Sure. So you wouldn't remember             |
| 15 Q. Just one person?                           | 15 what was, specifically, said on that day,     |
| 16 A. It was her and her brother, as they        | 16 correct?                                      |
| 17 call each other, buying a car.                | 17 A. No, but based on how sales go, you         |
| 18 Q. Was there anyone else?                     | 18 already know what we discuss. We discuss the  |
| 19 A. No.  | 19 basics of what the finance manager does when  |
| 20 Q. Was that the first time you had            | 20 they have the customer in front of them.      |
| 21 ever seen Farah Jean Francois?                | 21 Q. And what do you remember about her         |
| 22 A. Yes.                                       | 22 voice?  |
| 23 Q. And that was May 30, correct?              | 23 A. I do not recall her voice. That            |
| 24 A. That was the first time that they          | 24 was over two years ago.                       |
| 25 went to the dealership.                       | 25 Q. And do you remember who was in your        |
| Page 106   | Page 108   |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 Q. And what do you remember about              | 2 office when she came into your office?         |
| 3 that?  | 3 A. There was a lady and it was a male.         |
| 4 MR. GOODMAN: Object to                         | 4 Q. Was there anyone else who worked at         |
| 5 form.  | 5 Victory Mitsubishi, in your office, when they  |
| 6 A. Nothing in particular. Like I               | 6 came in?                                       |
| 7 said, it was just another transaction during   | 7 A. No.   |
| 8 the day, and customer purchase a vehicle, and  | 8 Q. And how would you describe her?             |
| 9 went home with their vehicle.                  | 9 A. I cannot describe her.                      |
| 10 Q. Did you talk to her?                       | 10 Q. Okay. Could you describe the man           |
| 11 A. I talk to her, I believe, if it was        | 11 who was with her?                             |
| 12 her, or whoever was trying to imperson [sic]  | 12 A. I cannot describe them.                    |
| 13 her.  | 13 Q. Do you remember anything about them        |
| 14 Q. Sure, let's leave aside the issue          | 14 -- the color of their hair, or their race, or |
| 15 right now about whether it was her or whether | 15 height?                                       |
| 16 it was someone trying to impersonate her.     | 16 A. I remember they were both African          |
| 17 Did you speak with that person?               | 17 American.                                     |
| 18 A. That person was definitely in my           | 18 Q. Do you remember if they were dark          |
| 19 office because I cannot sell a vehicle to     | 19 skinned or light skinned?                     |
| 20 somebody that is not there. So...             | 20 A. No.  |
| 21 Q. I understand.                              | 21 MR. GOODMAN: Object to the                    |
| 22 A. Yes.                                       | 22 form; go ahead.                               |
| 23 Q. Sorry, go ahead.                           | 23 Q. Do you remember anything about             |
| 24 A. If it wasn't her, it was somebody          | 24 their -- the way they wore their hair?        |
| 25 else trying to imperson [sic] her. That I     | 25 A. Sorry, repeat the question.                |

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|----------|---|----------|---|
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2        | Q. Do you remember anything about the         | 2        | Ms. Francois fill out the credit application? |
| 3        | way they wore their hair?                     | 3        | A. No.  |
| 4        | A. No.  | 4        | Q. Do you remember if Mr. LaForest was        |
| 5        | Q. Do you remember if they wore               | 5        | approved or denied for any financing?         |
| 6        | glasses?                                      | 6        | A. I don't recall.                            |
| 7        | A. No.  | 7        | Q. Do you remember if it was                  |
| 8        | Q. And on May 30, 2020, they would            | 8        | Mr. LaForest or Ms. Francois who handed you   |
| 9        | have been wearing masks, correct?             | 9        | the down payment for the vehicle?             |
| 10       | A. That is correct.                           | 10       | MR. GOODMAN: Object to the                    |
| 11       | Q. Do you remember what the mask they         | 11       | form.   |
| 12       | were wearing looked like?                     | 12       | A. I already told you I don't handle          |
| 13       | A. No.  | 13       | down payments, the sales managers do.         |
| 14       | Q. Do you remember if you asked them          | 14       | Q. I see. So it was David Perez who           |
| 15       | to pull down their mask?                      | 15       | took the down payment; is that correct?       |
| 16       | A. No.  | 16       | MR. GOODMAN: Object to                        |
| 17       | Q. Do you remember if the man had any         | 17       | form.   |
| 18       | facial hair?                                  | 18       | A. I can't exactly recall who did. I          |
| 19       | A. No.  | 19       | can tell you it was not me.                   |
| 20       | Q. And you were not involved with the         | 20       | Q. Okay. But based on the general             |
| 21       | transaction until they came into your office; | 21       | practice --                                   |
| 22       | is that correct?                              | 22       | A. Yes. Correct.                              |
| 23       | A. That is correct.                           | 23       | MR. GOODMAN: Let her                          |
| 24       | Q. And were they brought into your            | 24       | finish.                                       |
| 25       | office by someone else at Victory Mitsubishi? | 25       | Q. Yeah, sorry. Let me finish the             |
| Page 110 |   | Page 112 |   |
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2        | A. Yeah, by the sales manager, David.         | 2        | question, first.                              |
| 3        | Q. And you remember David bringing            | 3        | Based on the general practice where           |
| 4        | them in, or is that based on your review of   | 4        | the sales manager takes the down payment, you |
| 5        | the documents?                                | 5        | think it would have been David Perez,         |
| 6        | A. Usually the sales manager that             | 6        | correct?                                      |
| 7        | works the deal is the one that brings them to | 7        | A. Correct.                                   |
| 8        | the office.                                   | 8        | Q. And do you remember if it was              |
| 9        | Q. So it's based on your understanding        | 9        | Emanuel LaForest or Ms. Francois who handed   |
| 10       | of how things usually work at Victory         | 10       | David Perez the down payment?                 |
| 11       | Mitsubishi; is that correct?                  | 11       | A. I don't know.                              |
| 12       | A. That is correct.                           | 12       | Q. Do you remember them being given a         |
| 13       | Q. Okay. Do you remember who the              | 13       | receipt for the down payment?                 |
| 14       | first person at Victory Mitsubishi to speak   | 14       | A. I don't know.                              |
| 15       | with Mr. LaForest was?                        | 15       | Q. Do you remember printing a buyer's         |
| 16       | A. No, I don't recall.                        | 16       | order and retail installment contract for the |
| 17       | Q. Did you look at the credit                 | 17       | sale of the vehicle?                          |
| 18       | application filled out by Mr. LaForest?       | 18       | A. Yes, I do. I probably did. That's          |
| 19       | A. Yes, I did.                                | 19       | -- that's what my job is.                     |
| 20       | Q. And when did you look at it?               | 20       | Q. Sorry, you said you "probably did."        |
| 21       | A. When it was handed to me by David.         | 21       | Do you remember or do you just                |
| 22       | Q. Was that before or after they were         | 22       | think that you probably did?                  |
| 23       | brought into your office?                     | 23       | A. I can tell you that I did because          |
| 24       | A. Before.                                    | 24       | that's my job. That's why they were in my     |
| 25       | Q. And did you see Mr. LaForest or            | 25       | office for.                                   |

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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |          |
| 2 Q. You would have printed them buyer's         | 2 Q. And they left Victory Mitsubishi            |          |
| 3 order and retail installment contract on May   | 3 with the vehicle on May 30, correct?           |          |
| 4 30, 2020, correct?                             | 4 MR. GOODMAN: Object to the                     |          |
| 5 A. Correct.                                    | 5 form; go ahead.                                |          |
| 6 Q. And financing was secured for the           | 6 A. I can't recall, to be honest with           |          |
| 7 vehicle, correct?                              | 7 you. But if the paperwork is dated for that    |          |
| 8 A. Financing is not secured until the          | 8 day, I am assuming they did.                   |          |
| 9 bank pays you.                                 | 9 Q. So you don't know what time they            |          |
| 10 Q. I see. Let me rephrase.                    | 10 left Victory Mitsubishi, correct?             |          |
| 11 Was conditional approval obtained             | 11 A. No, because that sale happened             |          |
| 12 from a lender on May 30, 2020?                | 12 almost three years ago.                       |          |
| 13 MR. GOODMAN: Object to the                    | 13 MR. GOODMAN: "Yes," it's                      |          |
| 14 form.   | 14 correct you don't know?                       |          |
| 15 A. Correct.                                   | 15 THE WITNESS: I don't                          |          |
| 16 Q. And do you remember which lender           | 16 remember.                                     |          |
| 17 that was from?                                | 17 MR. GOODMAN: Okay.                            |          |
| 18 A. Yes.                                       | 18 Q. And this was the only time that            |          |
| 19 Q. Which lender?                              | 19 Mr. LaForest came into Victory Mitsubishi,    |          |
| 20 A. Capital One.                               | 20 correct?                                      |          |
| 21 Q. Is that based on your review of the        | 21 A. No.  |          |
| 22 documents, or do you have an independent      | 22 Q. When else did he come into the             |          |
| 23 recollection of that?                         | 23 dealership?                                   |          |
| 24 A. That was based on my review of the         | 24 A. They came back to resign.                  |          |
| 25 documents.                                    | 25 Q. What do you mean by that, "resign"?        |          |
| Page 114   |  | Page 116 |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |          |
| 2 Q. Okay. And do you remember what              | 2 A. There was something -- I don't -- I         |          |
| 3 documents were given to Emanuel LaForest that  | 3 can't recollect, exactly, the reason, but      |          |
| 4 day?   | 4 they came back to the dealership on the 29 of  |          |
| 5 A. Documents were given to the                 | 5 June.  |          |
| 6 customer, the person who purchased the         | 6 Q. Okay. And I know you said you               |          |
| 7 vehicle.                                       | 7 can't recall exactly the reason, but           |          |
| 8 Q. Okay.                                       | 8 generally, what did they come back to the      |          |
| 9 A. And, yes, contract, buyer's order,          | 9 dealership to do?                              |          |
| 10 purchase agreement, warranty contract, car    | 10 A. It could be any reason. I just             |          |
| 11 fax odometer disclosure, and that's it. The   | 11 don't recall exactly the reason, because they |          |
| 12 standard.                                     | 12 had to resign. But they did come back         |          |
| 13 Q. Sorry?                                     | 13 because paperwork is dated for 6/29. Even if  |          |
| 14 A. The same document -- every document        | 14 we got approval on 30, they came back to      |          |
| 15 they sign, usually we make copy of everything | 15 resign on that date.                          |          |
| 16 and we give it to the customer for their      | 16 Q. I see. So because the documents            |          |
| 17 records.                                      | 17 are dated June 29, 2020, it's your            |          |
| 18 Q. So you know that those documents           | 18 understanding that they returned to the       |          |
| 19 were given because they are always given,     | 19 dealership on that date, correct?             |          |
| 20 rather than you having a personal             | 20 A. Yes, that was the date we finalized        |          |
| 21 recollection of them being given; is that     | 21 the paperwork.                                |          |
| 22 correct?                                      | 22 Q. So it wasn't finalized on May 30,          |          |
| 23 A. Correct, they always given.                | 23 2020?   |          |
| 24 Q. Okay. Okay.                                | 24 MR. GOODMAN: Object to the                    |          |
| 25 A. To every customer.                         | 25 form; go ahead.                               |          |

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|--|--|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 A. Yes, it could be that it was                | 2 form; go ahead.                                |
| 3 finalized that day, but like I told you, they  | 3 A. No.   |
| 4 came back to resign for a reason that I don't  | 4 Q. Okay. And, generally, when a                |
| 5 recall exactly, but they did come back to the  | 5 consumer needs to resign documents, what       |
| 6 dealership.                                    | 6 documents are they resigning?                  |
| 7 Q. During the COVID-19 pandemic, did           | 7 A. Everything. The loan contract,              |
| 8 Capital One ask you to have any consumers      | 8 bill of sale, and buyer's order.               |
| 9 return to the dealership to resign documents   | 9 Q. What about credit application?              |
| 10 for the sale of a vehicle?                    | 10 A. If there's any change on employment        |
| 11 A. It could be. The pandemic affected         | 11 or, the customer change their residency or    |
| 12 a lot of things in the car business or car    | 12 their phone number, then, you resign a credit |
| 13 industry, per se. The book values were going  | 13 application. If everything stated by          |
| 14 up and down, you know, sometimes the          | 14 customer on the credit application is still   |
| 15 structure of the deal changes, the down       | 15 the same, there's no need to resign a new     |
| 16 payment, the customer probably, you know,     | 16 credit application. Sometimes if you          |
| 17 change the down payment. That changes the     | 17 changing the date, the date of the deal       |
| 18 structure of the deal. So it could be any     | 18 changes because the customer signing on a     |
| 19 reason for the customer to have to come back  | 19 different date, then, you resign a credit     |
| 20 to the dealership and they resign a final     | 20 application, but you don't make no change in  |
| 21 contract. Which is something completely       | 21 the credit application without the            |
| 22 normal.                                       | 22 customers's approval, or customer telling you |
| 23 Q. Okay. So you say that "could have          | 23 that there's been a change in that period of  |
| 24 happened," but do you have any memory of      | 24 time.   |
| 25 Capital One, specifically, telling you to do  | 25 Q. Okay. And if a consumer told you           |
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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 that during the pandemic?                      | 2 that they got a raise at their job, for        |
| 3 MR. GOODMAN: Object to the                     | 3 example, would that be a reason why you would  |
| 4 form. I lost the thread here. Go               | 4 fill out another credit application?           |
| 5 ahead, if you understand it.                   | 5 A. Absolutely. Remember, the credit            |
| 6 A. Like I said, it's something that            | 6 application is a document that the customer    |
| 7 can happen not only with Capital One, with     | 7 is stating states that that's the truth, that  |
| 8 any lender. If there's any reason, even if     | 8 they read it and sign it. So everything        |
| 9 misspell on name, you have to resign a         | 9 written in credit application is being         |
| 10 contract. So it could be anything.            | 10 reviewed and signed by the consumer.          |
| 11 Q. Sure.                                      | 11 Q. And if documents are being resigned        |
| 12 A. Remember, these are approvals with         | 12 for the sale of a vehicle, do you keep the    |
| 13 stipulations. Lender have the final -- the    | 13 original documents?                           |
| 14 final say in the deals. We were not the       | 14 A. The original document is been              |
| 15 lender. You understand? So we don't make      | 15 destroyed in front of the customer because    |
| 16 any calls, any judgment calls, none of that.  | 16 that contract is not valid no longer. You     |
| 17 Everything we got to by what the lender says. | 17 cannot have two contracts for the same sale.  |
| 18 Q. Sure. But do you have any memory           | 18 So the last contract that the customer signs  |
| 19 of Capital One contacting you by e-mail, or   | 19 is final contract. All the other contracts    |
| 20 letter, or by phone saying, "Hey, you need    | 20 have been destroyed. You can't have two       |
| 21 all of the customers who have received        | 21 contract for same sale.                       |
| 22 financing through us for vehicles to come     | 22 Q. And you don't keep any copy of             |
| 23 back in and resign documents?" Do you         | 23 those contracts, even with, for example, a    |
| 24 remember anything like that?                  | 24 stamp that says "void" on it?                 |
| 25 MR. GOODMAN: Objection to                     | 25 A. No.  |

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| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                                |
| 2  | Q. Do you make any record or notation,        | Q. Did you submit any new credit                  |
| 3  | for example, in Deal Tracker, that there was  | applications for the vehicle in this case, on     |
| 4  | a resigning?                                  | 4 or around June 29, 2020?                        |
| 5  | A. Dealer Track has their -- it has           | 5 A. I don't recall.                              |
| 6  | their timing, and date in there. So I am      | 6 Q. Emanuel LaForest testified that he           |
| 7  | assuming you guys pulled that information     | 7 did not come back to the dealership on June     |
| 8  | already.                                      | 8 29, 2020. Are you saying that he is lying?      |
| 9  | MR. GOODMAN: Don't assume.                    | 9 A. Yes, he is lying.                            |
| 10 | Just answer the question.                     | 10 Q. And why would he admit that he came         |
| 11 | Q. I am not sure if the question was          | 11 to the dealership on May 30th, admit that he   |
| 12 | answered.                                     | 12 illegally purchased Mr. Francois' social       |
| 13 | MS. CATERINE: Could you                       | 13 security number, but then lie about returning  |
| 14 | read back the question?                       | 14 to the dealership on June 29?                  |
| 15 | (Whereupon, the requested                     | 15 MR. GOODMAN: Object to the                     |
| 16 | portion was read by the reporter.)            | 16 form of the question.                          |
| 17 | THE WITNESS: That was not                     | 17 A. I don't know.                               |
| 18 | the question.                                 | 18 Q. You don't have any idea?                    |
| 19 | MR. GOODMAN: That was the                     | 19 MR. GOODMAN: Object to the                     |
| 20 | question. Answer that question.               | 20 form.  |
| 21 | THE WITNESS: Yes, they                        | 21 A. I have no type of relationship with         |
| 22 | resign.                                       | 22 this character. I wouldn't know.               |
| 23 | MR. GOODMAN: No, listen to                    | 23 Q. Isn't the truth that no one came            |
| 24 | the question and answer the                   | 24 into the dealership on June 29th, and you      |
| 25 | question.                                     | 25 made the signature for this alleged resigning? |
|    | Page 122                                      | Page 124  |
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                                |
| 2  | THE WITNESS: Okay, I am not                   | MR. GOODMAN: Object to the                        |
| 3  | understanding the question.                   | 3 form.   |
| 4  | MR. GOODMAN: All right,                       | 4 A. That's absolutely not true. There            |
| 5  | Emma, can you maybe rephrase it?              | 5 was somebody there. He was there with her,      |
| 6  | MS. CATERINE: Sure.                           | 6 or with the person that tried to impersonate    |
| 7  | Q. So in Deal Tracker, would there be         | 7 her. I would never put my job in jeopardy       |
| 8  | anything to show that there had been          | 8 because of that. I would never sign a           |
| 9  | documents resigned for a sale of a vehicle?   | 9 contract for no one, absolutely no one. I       |
| 10 | A. I don't know.                              | 10 came to this country ten years ago looking     |
| 11 | Q. Have you ever made a record or a           | 11 for a better life. I am a local citizen. I     |
| 12 | notation, such as in Deal Tracker, or in the  | 12 pay my taxes. I know my rights. I know the     |
| 13 | deal jacket, for the sale of a vehicle, that  | 13 law. I follow the law, I know what's good      |
| 14 | there was a resigning?                        | 14 and what was wrong. I would never ever sign    |
| 15 | A. No.  | 15 a contract for no one. Absolutely no one. I    |
| 16 | Q. Have you ever sold a vehicle to a          | 16 don't care if nobody advises me to do it, I    |
| 17 | consumer, and then arranged financing for the | 17 wouldn't do it, period.                        |
| 18 | vehicle, after the consumer had left Victory  | 18 Q. And what proof do you have that             |
| 19 | Mitsubishi with the vehicle?                  | 19 Mr. LaForest was in the dealership on June     |
| 20 | A. No.  | 20 29, 2020?                                      |
| 21 | Q. Why not?                                   | 21 A. What proof does he have that he             |
| 22 | MR. GOODMAN: Objection                        | 22 wasn't there?                                  |
| 23 | form.   | 23 MS. CATERINE: Strike the                       |
| 24 | A. Because you cannot leave with a car        | 24 nonresponsive answer to the                    |
| 25 | that you are not approved for.                | 25 question.                                      |

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|--|--|----------|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                               |          |
| 2 Q. What proof do you have that                 | 2 transaction?                                     |          |
| 3 Mr. LaForest was in the dealership on June     | 3 MR. GOODMAN: Object to the                       |          |
| 4 29, 2020?                                      | 4 form of the question. That's all                 |          |
| 5 A. If he wasn't there, she was there,          | 5 messed up, the question. Go ahead.               |          |
| 6 or somebody trying to impersonate her. Because | 6 A. Because Stavros is the general                |          |
| 7 there's paperwork signed.                      | 7 sales manager, so he is the one that handles any |          |
| 8 Q. So you don't know if he was there           | 8 customer issues, any complaint, or               |          |
| 9 on June 29th; is that correct?                 | 9 whatsoever. Remember, I work for the sales       |          |
| 10 A. He drove off with the car. So he           | 10 department, so that's -- that's not my role.    |          |
| 11 definitely -- if he wasn't there, she was     | 11 Q. Sure. And so if a customer comes             |          |
| 12 there. They all -- they came together the     | 12 to Stavros with a complaint, and Stavros        |          |
| 13 first time. They live in the same house,      | 13 needs more information in order to answer the   |          |
| 14 their license have same address, they family  | 14 customer's questions, he might ask you or the   |          |
| 15 members.                                      | 15 sales manager involved with the sale about      |          |
| 16 MS. CATERINE: Strike the                      | 16 what happened; is that correct?                 |          |
| 17 nonresponsive answer to the                   | 17 MR. GOODMAN: Object to                          |          |
| 18 question.                                     | 18 form.   |          |
| 19 Q. Do you remember if Mr. LaForest            | 19 A. That is correct.                             |          |
| 20 came to the dealership on June 29, 2020?      | 20 Q. But you do not remember Stavros              |          |
| 21 MR. GOODMAN: Asked and                        | 21 asking you any questions about the sale of      |          |
| 22 answered. Object to the form; go              | 22 this vehicle in September of 2020; is that      |          |
| 23 ahead.  | 23 correct?  |          |
| 24 A. Him, per se, I don't remember.             | 24 A. That is correct, I don't recall.             |          |
| 25 Q. Okay. Do you remember Farah Jean           | 25 Q. Do you remember Mr. LaForest                 |          |
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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                               |          |
| 2 Francois coming to Victory Mitsubishi in       | 2 returning the vehicle to Victory Mitsubishi?     |          |
| 3 September of 2020?                             | 3 A. No.   |          |
| 4 A. September?                                  | 4 Q. And who processed the unwind of               |          |
| 5 Q. Uh-huh.                                     | 5 the deal for this vehicle?                       |          |
| 6 A. That was after the sale.                    | 6 MR. GOODMAN: Object to                           |          |
| 7 Q. Yes.  | 7 form; go ahead.                                  |          |
| 8 A. I don't know.                               | 8 A. I don't know.                                 |          |
| 9 Q. Do you remember, in September of            | 9 Q. And I think I may have asked this             |          |
| 10 2020, Stavros Orsaris telling you that        | 10 before, so I apologize if I did, but if a       |          |
| 11 Ms. Francois had come into the dealership     | 11 deal is going to be unwound at the              |          |
| 12 claiming that Mr. LaForest had purchased a    | 12 dealership, and you were the finance manager    |          |
| 13 vehicle in her name?                          | 13 for that deal, would you be involved in the     |          |
| 14 A. I don't remember.                          | 14 process of unwinding the deal?                  |          |
| 15 Q. Do you remember Stavros Orsaris            | 15 MR. GOODMAN: Object to                          |          |
| 16 talking to you about any consumer who had a   | 16 form.   |          |
| 17 vehicle purchased in their name without their | 17 A. No, that would be Stavros Orsaris.           |          |
| 18 authorization?                                | 18 Q. Okay. Besides Stavros Orsaris,               |          |
| 19 MR. GOODMAN: Object to                        | 19 have you spoken to anyone at Victory            |          |
| 20 form.   | 20 Mitsubishi about this transaction?              |          |
| 21 A. No.  | 21 A. No.  |          |
| 22 Q. And if you had been the finance            | 22 Q. Have you spoken with David Perez             |          |
| 23 manager for the transaction, why did you not  | 23 about this transaction?                         |          |
| 24 speak to Ms. Francois when she came in in     | 24 A. No.  |          |
| 25 September 2020 with questions about the       | 25 Q. Why does David Perez no longer work          |          |

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|---|---|
| 1 Yessica K. Vallejo<br>2 for Victory Mitsubishi?<br>3 MR. GOODMAN: Object to the<br>4 form.<br>5 A. I don't know.<br>6 Q. What happened to the down payment<br>7 made by Emanuel LaForest?<br>8 A. I don't know.<br>9 Q. Did Victory Mitsubishi have an<br>10 internal investigation about this<br>11 transaction?<br>12 MR. GOODMAN: Object to<br>13 form.<br>14 A. You will have to ask Stavros<br>15 Orsaris. That's above my pay grade.<br>16 Q. But as far as you're aware, you are<br>17 not aware of any internal investigation about<br>18 this transaction at Victory Mitsubishi; is<br>19 that correct?<br>20 A. I don't know.<br>21 Q. Okay, so Ms. Vallejo -- am I saying<br>22 your name correctly?<br>23 A. Correct, yes.<br>24 Q. I studied French in high school, so<br>25 I always want to say two Ls, the French way,  | 1 Yessica K. Vallejo<br>2 European descent.<br>3 Q. Does he have, like, a light brown,<br>4 caramel-colored skin?<br>5 MR. GOODMAN: Object to<br>6 form.<br>7 A. I mean, you can say he is white, I<br>8 guess. He -- I don't know. He tans all the<br>9 time. I guess he is caramel, yeah.<br>10 Q. Okay.<br>11 THE WITNESS: Caramel. Am I<br>12 caramel? I don't know.<br>13 MR. GOODMAN: I don't know.<br>14 Don't ask me.<br>15 THE WITNESS: Sorry, I never<br>16 been asked to describe somebody's<br>17 -- I mean --<br>18 Q. That's fine. It's a bit of an<br>19 unusual question.<br>20 A. -- somebody's physical appearance.<br>21 Q. I would like you to open Exhibit<br>22 21, what was previously marked as Exhibit 21.<br>23 This is the deal jacket, Bates-stamped<br>24 Defendant's 1 through Defendant's 36.<br>25 MR. GOODMAN: Okay, we got  |
| Page 130  | Page 132  |
| 1 Yessica K. Vallejo<br>2 rather than the Spanish way. But I am trying<br>3 my best.<br>4 A. You said it perfectly.<br>5 Q. So Chris Orsaris is a buyer at<br>6 Victory Mitsubishi; is that correct?<br>7 MR. GOODMAN: Object to<br>8 form.<br>9 A. To my knowledge, yes, that's what<br>10 he does.<br>11 Q. And did he purchase the vehicle in<br>12 question in this case for Victory Mitsubishi?<br>13 A. I don't know if it was him, per se.<br>14 I couldn't tell you. I don't know.<br>15 Q. Okay. How would you describe Chris<br>16 Orsaris? What is his physical appearance?<br>17 MR. GOODMAN: Objection to<br>18 form, and time frame, but go ahead.<br>19 A. He is short, a little bit of hair.<br>20 I mean, regular looking man. Average man. I<br>21 don't know what to say, to be honest.<br>22 Q. Sure. Is he white?<br>23 MR. GOODMAN: Object to<br>24 form.<br>25 A. Yes. To my understanding, he | 1 Yessica K. Vallejo<br>2 it.<br>3 Q. So what is this first page<br>4 Bates-stamped Defendant's 1?<br>5 A. This is the front of the deal<br>6 jacket.<br>7 Q. Okay. So the deal jacket is<br>8 actually a physical file; is that correct?<br>9 A. It's like an envelope, yeah, where<br>10 you put the paperwork on.<br>11 Q. Right. And this is, like, the<br>12 cover of the envelope; is that accurate?<br>13 A. That is correct.<br>14 Q. Okay. And who filled out -- who<br>15 made the handwriting on this cover of the<br>16 deal jacket?<br>17 A. That's my handwriting and that's<br>18 David's in the bottom.<br>19 Q. Sorry, since I don't think either<br>20 me or the court reporter can see exactly<br>21 where you are pointing, could we just go one<br>22 by one. Let's start with the check mark<br>23 towards the top. Is that -- was that<br>24 handwritten by you?<br>25 A. That was me. |

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|--|---|----------|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                              |          |
| 2 Q. And the number 3385, was that               | 2 on 6/29, and this is dated 7/16. So this is     |          |
| 3 written by you?                                | 3 way after the resigning.                        |          |
| 4 A. That was me.                                | 4 Q. So you think that this -- this               |          |
| 5 Q. And the phone number starting 347,          | 5 writing here on the cover of the deal jacket    |          |
| 6 was that you?                                  | 6 was made after June 29, 2020?                   |          |
| 7 A. Yeah, that was me.                          | 7 MR. GOODMAN: Object to the                      |          |
| 8 Q. And did you also make those                 | 8 form. You mean the --                           |          |
| 9 cross-outs on the phone number as well?        | 9 specifically, the "sent 7/16"                   |          |
| 10 A. I guess, yes, you can say that             | 10 writing?                                       |          |
| 11 because it looks like the number was wrong    | 11 MS. CATERINE: Yes,                             |          |
| 12 and then I fix it.                            | 12 specifically, the "sent 7/16."                 |          |
| 13 Q. Right.                                     | 13 THE WITNESS: You are going                     |          |
| 14 A. Uh-huh.                                    | 14 based on 7/16. What it could mean              |          |
| 15 Q. The sticker in the top right-hand          | 15 to me, and anybody with a little               |          |
| 16 corner, did you put that onto the cover?      | 16 bit of common sense, July the 16th.            |          |
| 17 A. No.  | 17 So I don't know who put it there.              |          |
| 18 Q. Who put that onto the cover?               | 18 I don't know why it's there. I                 |          |
| 19 A. The billing department.                    | 19 don't know the meaning of it. I                |          |
| 20 Q. And did the billing department also        | 20 don't know.                                    |          |
| 21 put on the stamp that says, "posted"?         | 21 Q. Well, it's probably intuitive by            |          |
| 22 A. I don't know.                              | 22 now that lawyers don't have very much common   |          |
| 23 Q. Okay. And there's handwriting that         | 23 sense, but --                                  |          |
| 24 says -- I believe that says, "sent 7/16."     | 24 MR. GOODMAN: Hey, we agree                     |          |
| 25 A. Uh-huh.                                    | 25 on something, Emma. That's --                  |          |
| Page 134   |   | Page 136 |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                              |          |
| 2 Q. Who wrote that?                             | 2 we've reached a good point.                     |          |
| 3 MR. GOODMAN: You have to                       | 3 THE WITNESS: You implying                       |          |
| 4 say "yes."                                     | 4 that that's not something --                    |          |
| 5 A. Yeah, I see it there.                       | 5 MS. CATERINE: Sorry, that                       |          |
| 6 Q. And who wrote that?                         | 6 was just a joke. That was just a                |          |
| 7 A. I don't know.                               | 7 joke.   |          |
| 8 Q. What does that mean, "sent 7/16"?           | 8 THE WITNESS: Okay, so...                        |          |
| 9 A. I don't know.                               | 9 Q. So the handwriting that says                 |          |
| 10 Q. Have you ever seen anything like           | 10 "Capital One, 9-K, \$632.94," who wrote that?  |          |
| 11 that on the cover of a deal jacket before?    | 11 A. I did.                                      |          |
| 12 MR. GOODMAN: Object to the                    | 12 Q. What does that mean?                        |          |
| 13 form.   | 13 A. That means that the lender is               |          |
| 14 A. Usually I don't see the deal jacket        | 14 Capital One, down payment was \$9,000, and the |          |
| 15 after I am done with it, so no.               | 15 estimate payment was 632.94.                   |          |
| 16 Q. I see. So because you don't                | 16 Q. When you say, "estimate payment,"           |          |
| 17 recognize it, you think it was done after you | 17 that's the monthly payment for the financing   |          |
| 18 had had the deal jacket; is that correct?     | 18 for the vehicle?                               |          |
| 19 A. That is correct. I don't know what         | 19 A. That is correct.                            |          |
| 20 was done and who did it -- none of that.      | 20 Q. And who wrote the license plate             |          |
| 21 Q. But wouldn't you see the deal              | 21 number at the bottom of this cover?            |          |
| 22 jacket again if there was a resigning for the | 22 A. I -- that's David handwriting. He           |          |
| 23 document?                                     | 23 always confirm the plate number. He was very   |          |
| 24 A. Maybe. But according to what me            | 24 detail oriented. So he always confirmed that   |          |
| 25 and you spoke about, the resigning was done   | 25 the correct plate number was in the correct    |          |

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|--|--|---|
| 1 Yessica K. Vallejo<br>2 vehicle, before the customer leave in it.<br>3 Q. Do you remember why you had started<br>4 writing another phone number, and then<br>5 crossed it out, and wrote the 347 phone<br>6 number?<br>7 A. I didn't start writing another<br>8 phone number. You can see in there very<br>9 clear that it's 347, and it was -- it's -- I<br>10 made a mistake, probably. It was 909, but<br>11 then I confirmed with the customer -- and I<br>12 must have confirmed with the customer that it<br>13 was (347) 995-6054.<br>14 Q. Okay, but do you see that it looks<br>15 like you had started writing 9-1, before the<br>16 347?<br>17 A. It was honest mistake. It must<br>18 have been -- if you notice, if you can tell,<br>19 what I am doing there is confirming the phone<br>20 number for the customer. If you see on the<br>21 sticker it says (347) 995-5054. Usually,<br>22 what I do is, I ask the customer once again,<br>23 "what's your cell phone number?" To confirm<br>24 and write it down in front of the folder<br>25 because we human, we can make mistakes. But | 1 Yessica K. Vallejo<br>2 cover?<br>3 A. Because \$10,000 was probably what<br>4 the customer said initially that they were<br>5 going to put down, and then they change their<br>6 mind to 9,000.<br>7 Q. Got you. So this would have just<br>8 been a record of what the customer had said<br>9 to him, rather than any money actually handed<br>10 over; is that correct?<br>11 A. That is correct.<br>12 Q. Okay. And what does the "zero,<br>13 slash, zero" mean?<br>14 A. Zero, slash, zero, credit score.<br>15 Q. And the 3385 written in blue ink,<br>16 who wrote that?<br>17 A. Me.<br>18 Q. And how do you know that was you;<br>19 is it because of your handwriting?<br>20 A. Because, yeah, that's my<br>21 handwriting. That's stock number.<br>22 Q. You always write the stock number<br>23 for the car on the credit application?<br>24 A. Yes, on top because I have to make<br>25 sure I am working on correct vehicle. So I | 1 Yessica K. Vallejo<br>2 always write the stock number.<br>3 Q. And further down under "employment<br>4 information" for the co-applicant, there's a<br>5 check mark written in blue ink. Do you see<br>6 that?<br>7 A. Uh-huh.<br>8 MR. GOODMAN: You have to<br>9 say "yes."<br>10 THE WITNESS: Yes. Sorry,<br>11 sorry, yes.<br>12 Q. Did you write that as well?<br>13 A. I don't know. It's a check mark.<br>14 It's...I -- I -- I -- I don't know. I can't<br>15 tell you "yes" or "no." I don't know.<br>16 Q. Because this was over two years<br>17 ago, it's hard to remember, correct?<br>18 MR. GOODMAN: Object to the<br>19 form.<br>20 A. I don't know what you are trying to<br>21 imply by that, but some things are hard to<br>22 remember.<br>23 MS. CATERINE: I do see that<br>24 it is about three o'clock, so you<br>25 want to take the break now? |

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| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2  | MR. GOODMAN: We will take a                   | 2        | second.                                       |
| 3  | break. We will try to keep it                 | 3        | (Whereupon, a recess was                      |
| 4  | twenty minutes.                               | 4        | taken at this time.)                          |
| 5  | THE WITNESS: Maybe less,                      | 5        | BY MS. CATERINE:                              |
| 6  | maybe less.                                   | 6        | Q. Defendant's 92, you would fill in          |
| 7  | MS. CATERINE: Take your                       | 7        | this form with the information from the       |
| 8  | time.   | 8        | credit application; is that correct?          |
| 9  | (Whereupon, a recess was                      | 9        | A. That is correct.                           |
| 10 | taken at this time.)                          | 10       | Q. And if you had a credit application        |
| 11 | BY MS. CATERINE:                              | 11       | like the one we were just looking at with two |
| 12 | Q. Could you open what was previously         | 12       | people, with applicant and co-applicant, you  |
| 13 | marked as Exhibit 23, Bates-stamped           | 13       | would pull both of their credit reports; is   |
| 14 | Defendant's 85 through 92.                    | 14       | that correct?                                 |
| 15 | MR. GOODMAN: What's the --                    | 15       | A. If the customer request to, yes.           |
| 16 | what is it, Emma?                             | 16       | Q. Okay. Would there ever be a                |
| 17 | MS. CATERINE: It's the                        | 17       | co-applicant where the co-applicant credit    |
| 18 | screens -- screenshots and the                | 18       | report would not be pulled?                   |
| 19 | credit application form.                      | 19       | MR. GOODMAN: Object to                        |
| 20 | MR. GOODMAN: Got it. There                    | 20       | form; go ahead.                               |
| 21 | you go. Okay, we're ready. Okay.              | 21       | A. It could be. If at the time of             |
| 22 | I don't know if you want to give              | 22       | pulling the credit or submitting to the bank, |
| 23 | the witness time to look at it.               | 23       | if the customer says, "I want to do the loan  |
| 24 | Q. Could you turn to Defendant's 92,          | 24       | under my name alone, just submit under my     |
| 25 | please, which is the last page? And what is   | 25       | name," then, we do it that way.               |
|    |   | Page 142 | Page 144                                      |
| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2  | that document?                                | 2        | Q. Okay. And the section at the               |
| 3  | MR. GOODMAN: Object to                        | 3        | bottom where there's a check box and it says, |
| 4  | form; go ahead.                               | 4        | "I have customer permission to pull a credit  |
| 5  | A. That's a picture of the Deal               | 5        | report," and so on, do you see that?          |
| 6  | Tracker screen.                               | 6        | A. I see that.                                |
| 7  | Q. Okay, what is this screen for?             | 7        | Q. Why does this form have that check         |
| 8  | A. It's the screen that you use to            | 8        | box?  |
| 9  | pull credit.                                  | 9        | MR. GOODMAN: Object to                        |
| 10 | Q. Okay. And this is the same screen          | 10       | form.   |
| 11 | that everyone at Victory Mitsubishi would use | 11       | A. It's a reminder that before you            |
| 12 | to pull a credit report; is that correct?     | 12       | pull credit, you need to have handwritten     |
| 13 | A. That is correct.                           | 13       | credit application signed and dated by the    |
| 14 | MR. KESHAVARZ: What's the                     | 14       | customer. There's no reason to pull credit,   |
| 15 | Bates stamp number for the page?              | 15       | if we don't have what -- we will never pull   |
| 16 | MS. CATERINE: 92.                             | 16       | credit it, if we don't have that.             |
| 17 | MR. KESHAVARZ: Thank you.                     | 17       | Q. So when you log in to Deal Tracker         |
| 18 | Sorry.  | 18       | to process a credit application, how would    |
| 19 | MS. CATERINE: Sorry, is                       | 19       | you get to this form? Is there, like, a       |
| 20 | that audio being picked up in the             | 20       | button you push, or how do you get to it?     |
| 21 | background?                                   | 21       | A. Remember, I don't pull credit, if          |
| 22 | MR. GOODMAN: I heard                          | 22       | it's not necessary. This is done previous     |
| 23 | something. I don't know what it               | 23       | the deal going into my office. So this is     |
| 24 | was.  | 24       | done by the sales managers before. So on      |
| 25 | MS. CATERINE: Sorry, one                      | 25       | Deal Tracker it says, "pull credit," and then |

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|--|--|--|
| 1 Yessica K. Vallejo                             | 2 you click on it, you get to here. But this     | 1 Yessica K. Vallejo                             |
| 3 is not before my time with the deal. This is   | 4 done previous. When the customer is in my      | 2 timestamps on your end of Deal Tracker?        |
| 5 office, all this process is already done.      | 6 Q. Right. And so if I understand you           | 3 A. No.   |
| 7 correctly, if you look into Deal Tracker, as   | 8 soon as you log in, there's a screen where     | 4 Q. But you are aware there were                |
| 9 there's an option to go to this form to pull   | 10 someone's credit report; is that correct?     | 5 timestamps being made; is that correct?        |
| 11 A. It is an option, yes.                      | 12 Q. Okay. Let's take a look at what            | 6 MR. GOODMAN: Object to                         |
| 13 was previously marked as Exhibit 26,          | 14 Bates-stamped subpoena responses 557, single  | 7 form.  |
| 15 page.   | 16 MR. GOODMAN: Okay.                            | 8 A. Correct.                                    |
| 17 MS. CATERINE: It's the Deal                   | 18 Tracker page for Emanuel LaForest.            | 9 Q. Is Stavros Orsaris able to see the          |
| 19 MR. GOODMAN: Okay, I got                      | 20 it. You got it?                               | 10 timestamps?                                   |
| 21 THE WITNESS: That's what it                   | 22 is?   | 11 MR. GOODMAN: Objection to                     |
| 23 MR. GOODMAN: You don't have                   | 24 that over there.                              | 12 form.   |
| 25 THE WITNESS: I don't think                    |  | 13 A. I don't know.                              |
|  |  | 14 Q. How did you know that they were            |
|  |  | 15 timestamped?                                  |
|  |  | 16 A. Everything has the time and the            |
|  |  | 17 date when you print paperwork.                |
|  |  | 18 Q. I see.                                     |
|  |  | 19 A. If it doesn't have the time, it has        |
|  |  | 20 the date.                                     |
|  |  | 21 Q. So if you pulled a credit report,          |
|  |  | 22 for example, it would have the date and time; |
|  |  | 23 is that correct?                              |
|  |  | 24 MR. GOODMAN: Object to the                    |
|  |  | 25 form; go ahead.                               |
| Page 146   |  | Page 148   |
| 1 Yessica K. Vallejo                             | 2 so.  | 1 Yessica K. Vallejo                             |
| 3 MR. GOODMAN: Just use that.                    | 4 That's fine. Use the one -- use                | 2 A. I believe so.                               |
| 5 that one.                                      | 6 THE WITNESS: Okay.                             | 3 Q. And has there ever been a time that         |
| 7 Q. Okay. What is this document?                | 8 MR. GOODMAN: Object to the                     | 4 you have printed a document from Deal          |
| 9 form.  | 10 A. I don't know. This is not a                | 5 Tracker, and the timestamp on the document     |
| 11 document that I ca familiar with.             | 12 Q. So prior to your deposition today,         | 6 did not appear to be accurate?                 |
| 13 have you ever seen a document like this one,  | 14 even if it wasn't for Emanuel LaForest, and   | 7 MR. GOODMAN: Objection;                        |
| 15 for a different customer, for example?        | 16 A. No.  | 8 form.  |
| 17 Q. Sorry, to clarify, you haven't seen        | 18 A. That is correct.                           | 9 A. I can't answer that question                |
| 19 a document like this before; is that correct? | 20 Q. Okay. Were you aware Deal Tracker          | 10 because I never had to go back and check date |
| 21 was tracking the times that Victory           | 22 Mitsubishi employees logged into Deal Tracker | 11 and time for any customer in the past,        |
| 23 and pulled credit?                            | 24 A. Yeah, everything is timestamp.             | 12 almost, eleven, seven years that I have been  |
| 25 Q. And are you able to see those              | 25 Q. And of those times where you saw           | 13 working at Victory Mitsubishi.                |
|  |  | 14 Q. Okay, but you have printed                 |
|  |  | 15 documents from Deal Tracker, correct?         |
|  |  | 16 A. Yes.                                       |
|  |  | 17 Q. And you have noticed that there's a        |
|  |  | 18 timestamp on those documents, correct?        |
|  |  | 19 A. Yes.                                       |
|  |  | 20 Q. And of those times where you saw           |
|  |  | 21 the timestamp on the printed documents, did   |
|  |  | 22 it ever appear to be inaccurate?              |
|  |  | 23 A. I don't recall.                            |
|  |  | 24 Q. Okay.                                      |
|  |  | 25 A. I don't recall none of that                |

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| Page 149  |   | Page 151 |
|---|---|----------|
| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                            |          |
| 2 situation happening to me ever.               | 2 MR. GOODMAN: Let me see                       |          |
| 3 Q. And on this page, at the bottom,           | 3 that.   |          |
| 4 you will see the first entry here from the    | 4 Q. Do you see where that is below             |          |
| 5 bottom says, "4:38 p.m., deal jacket created, | 5 Emanuel LaForest?                             |          |
| 6 D. Perez." What is your understanding of      | 6 A. No.  |          |
| 7 that entry?                                   | 7 MR. GOODMAN: Well, hold on.                   |          |
| 8 A. It's a chronological event. You            | 8 I have the document. We only have             |          |
| 9 can read it here. The whole-- was complete,   | 9 one copy. And I am looking at it              |          |
| 10 ID verification was complete, Credit Bureau  | 10 now, so it's not in front of the             |          |
| 11 report was completed. We got authorization   | 11 witness.                                     |          |
| 12 from the customer. Then, we pulled the       | 12 MS. CATERINE: Sure, that's                   |          |
| 13 credit. Then, the deal jacket was created.   | 13 fine. Take your time.                        |          |
| 14 Q. You see how the deal jacket is            | 14 MR. GOODMAN: Okay, here.                     |          |
| 15 timestamped 4:38 p.m., and the Credit Bureau | 15 Do you understand? Is there                  |          |
| 16 pull is timestamped 4:39 p.m.?               | 16 a question pending?                          |          |
| 17 A. I see that.                               | 17 Q. My question is: Do you see the            |          |
| 18 Q. So based on that, does it appear          | 18 co-applicant field below Emanuel LaForest on |          |
| 19 this is in reverse chronological order,      | 19 this page?                                   |          |
| 20 starting from the bottom?                    | 20 A. I see that it says, "co-applicant,"       |          |
| 21 MR. GOODMAN: Object to                       | 21 yes.   |          |
| 22 form.  | 22 Q. Okay. And you don't know why that         |          |
| 23 A. You have to create a dealer jack-         | 23 field is there?                              |          |
| 24 -- the dealer jacket, in order for you to    | 24 MR. GOODMAN: Object to                       |          |
| 25 work the deal, though. So this is accurate.  | 25 form.  |          |
| Page 150  |   | Page 152 |
| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                            |          |
| 2 He created the deal jacket, and then he got   | 2 A. No, I don't know.                          |          |
| 3 the authorization. He pulled the bureau --    | 3 Q. Do you know why the Credit Bureau          |          |
| 4 the authorization to pull the bureau is the   | 4 "pulled" entry is below the Credit Bureau     |          |
| 5 handwriting app that we have here in the      | 5 "authorization received" entry?               |          |
| 6 paperwork, signed and dated by the customer.  | 6 A. Below?                                     |          |
| 7 Q. So you're referring to the                 | 7 Q. Yes, in the order that the entries         |          |
| 8 application that we just looked at, correct?  | 8 are in on the document.                       |          |
| 9 A. Yes, you can see here that she             | 9 MR. KESHAVARZ: Sorry,                         |          |
| 10 signed -- that he signed the credit          | 10 what's the Bates number?                     |          |
| 11 application. That's the reason. Because we   | 11 A. I don't know --                           |          |
| 12 pull credit because we have authorization.   | 12 MS. CATERINE: Subpoena                       |          |
| 13 Q. Okay. So why on the screen does it        | 13 responses 557.                               |          |
| 14 only show Emanuel LaForest, and doesn't list | 14 MR. KESHAVARZ: Thank you.                    |          |
| 15 any co-applicant? The "co-applicant" is      | 15 Q. Apologies, what was your answer?          |          |
| 16 blank.                                       | 16 A. I don't know.                             |          |
| 17 MR. GOODMAN: Object to                       | 17 Q. Okay. And "D. Perez" refers to            |          |
| 18 form.  | 18 David Perez, correct?                        |          |
| 19 A. You cannot -- you cannot pull two         | 19 MR. GOODMAN: Object to                       |          |
| 20 people credit at the same time, though. It's | 20 form.  |          |
| 21 impossible. You have to go one person,       | 21 A. That is correct.                          |          |
| 22 first, and then the second one.              | 22 Q. And there should be a screen like         |          |
| 23 Q. Why is there a "co-applicant" field       | 23 this for every customer where there's a deal |          |
| 24 there?                                       | 24 jacket; is that correct?                     |          |
| 25 A. I don't know.                             | 25 MR. GOODMAN: Object to the                   |          |

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| Page 153  |   | Page 155                                       |
|---|---|--|
| 1 Yessica K. Vallejo                              | 2 form of the question.                           | 1 Yessica K. Vallejo                           |
| 3 A. I am assuming, yes. If you run               | 4 somebody's credit, if you have -- if the        | 2 was using Experian and TransUnion scores.    |
| 5 customer is there with the purpose of buying    | 6 a car, you have authorization to run your       | 3 Q. Okay.                                     |
| 7 credit, you going to be able to do all these    | 8 things, which is the all fact check, the ID     | 4 A. It could be he was using that.            |
| 9 verification, Credit Bureau pull. This form     | 10 is very clear; it's showing the process.       | 5 Q. And when Mr. Perez makes                  |
| 11 MR. GOODMAN: Just answer                       | 12 the question.                                  | 6 handwritten notes like that, that's to show  |
| 13 Q. And Dealer Track didn't produce a           | 14 form like this for Farah Jean Francois. Do     | 7 you that the applicant -- showing you what   |
| 15 you have any idea why there wouldn't be a      | 16 form like this for Farah Jean Francois?        | 8 the applicant credit score is; is that       |
| 17 MR. GOODMAN: Object to the                     | 18 form.  | 9 correct?                                     |
| 19 A. I don't know. I don't work for              | 20 Deal Tracker.                                  | 10 MR. GOODMAN: Object to                      |
| 21 Q. And on here it says, "June 20,              | 22 2020, adverse action recommended." Why did     | 11 form.                                       |
| 23 it take so long for an adverse action to be    | 24 recommended for Mr. LaForest?                  | 12 A. No, that's not correct.                  |
| 25 MR. GOODMAN: Object to the                     |   | 13 Q. Okay, what --                            |
| Page 154  |   | Page 156                                       |
| 1 Yessica K. Vallejo                              | 2 form.   | 1 Yessica K. Vallejo                           |
| 3 A. I don't know.                                | 4 Q. But I believe you previously                 | 2 A. You implying that or you asking me?       |
| 5 testified, correct me if I am wrong, that       | 6 there was handwriting by David Perez on the     | 3 Q. I am asking you.                          |
| 7 credit application showing that Mr. LaForest    | 7 credit application showing that Mr. LaForest    | 4 A. I don't know.                             |
| 8 had no credit history; is that correct?         | 8 had no credit history; is that correct?         | 5 Q. Okay. If you could take a look at         |
| 9 A. What I told you before was that he           | 9 A. What I told you before was that he           | 6 Exhibit 27, what's previously marked as      |
| 10 had handwritten on the credit application that | 10 had handwritten on the credit application that | 7 Exhibit 27, Bates-stamped subpoena responses |
| 11 he had zero credit score, which you can see    | 11 he had zero credit score, which you can see    | 8 566, it's a single page, similar to the page |
| 12 on the Defendant's Number 2, he wrote a zero,  | 12 on the Defendant's Number 2, he wrote a zero,  | 9 where we were just looking at, but for Jaime |
| 13 zero credit score.                             | 13 zero credit score.                             | 10 Singer.                                     |
| 14 Q. Okay. And the zero, slash, zero,            | 14 Q. Okay. And the zero, slash, zero,            | 11 A. I don't think I have that.               |
| 15 is that referring to the credit scores for     | 15 is that referring to the credit scores for     | 12 MR. GOODMAN: Yeah, let me                   |
| 16 two different credit bureaus?                  | 16 two different credit bureaus?                  | 13 get it.                                     |
| 17 A. I don't know if it's referring for          | 17 A. I don't know if it's referring for          | 14 A. I have the page.                         |
| 18 two different credit bureaus. To my            | 18 two different credit bureaus. To my            | 15 Q. Okay. And this document indicates        |
| 19 understanding, is basically that the customer  | 19 understanding, is basically that the customer  | 16 that you created the deal jacket for        |
| 20 has zero credit score.                         | 20 has zero credit score.                         | 17 Ms. Singer, correct?                        |
| 21 Q. Well, let's say, if the customer            | 21 Q. Well, let's say, if the customer            | 18 A. That is correct.                         |
| 22 doesn't have a zero credit score, would he     | 22 doesn't have a zero credit score, would he     | 19 Q. And it indicates that you pulled         |
| 23 write in the credit score, like, say, 700,     | 23 write in the credit score, like, say, 700,     | 20 the credit report for Ms. Singer, correct?  |
| 24 slash, 750?                                    | 24 slash, 750?                                    | 21 A. That is correct.                         |
| 25 A. It could be. It could be that he            |   | 22 Q. Why did you pull Ms. Singer's            |
|   |   | 23 credit report?                              |
|   |   | 24 MR. GOODMAN: Object to                      |
|   |   | 25 form; go ahead.                             |

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| Page 157 |   | Page 159 |   |
|----------|---|----------|---|
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                              |
| 2        | A. I am assuming Ms. Singer was a             | 2        | texts this driver's license and social          |
| 3        | customer that had a credit application signed | 3        | security to Stavros Orsaris?                    |
| 4        | and date, and she gave me authorization to    | 4        | A. No.  |
| 5        | pull her credit. She was in pursuit of        | 5        | Q. Ms. Singer represented to us that            |
| 6        | buying automobile.                            | 6        | she had given Emanuel LaForest permission on    |
| 7        | Q. Why did you do this one, rather            | 7        | 5 May 30, 2020, to run her credit, although she |
| 8        | than David Perez doing it?                    | 8        | had not been at the dealership herself. Do      |
| 9        | A. David Perez was probably busy and          | 9        | you remember Emanuel LaForest asking you to     |
| 10       | they gave me the file to run the credit.      | 10       | run Jamie Singer's credit?                      |
| 11       | Q. Are you aware that Emanuel LaForest        | 11       | MR. GOODMAN: Object to                          |
| 12       | texted Stavros Orsaris the driver's license   | 12       | form.   |
| 13       | and social security for Jaime Singer?         | 13       | A. No.  |
| 14       | MR. GOODMAN: Object to the                    | 14       | Q. You understand that you have been            |
| 15       | form.   | 15       | sued as an individual in this lawsuit?          |
| 16       | A. No.  | 16       | A. I understand.                                |
| 17       | Q. Take a look at what was previously         | 17       | Q. Do you understand that if these              |
| 18       | marked as Exhibit 25, Bates-stamped           | 18       | allegations are proven, that a judgment could   |
| 19       | Defendant's 70 through 72.                    | 19       | be attained against you, individually?          |
| 20       | MR. GOODMAN: Is that your                     | 20       | MR. GOODMAN: Object to the                      |
| 21       | son? Let's take a break. She                  | 21       | form.   |
| 22       | needs to communicate --                       | 22       | A. I understand very clearly what we            |
| 23       | MS. CATERINE: How long do                     | 23       | doing here, ma'am. Also, I understand that      |
| 24       | you want?                                     | 24       | not because your client is implying all these   |
| 25       | MR. GOODMAN: Just a couple                    | 25       | things, that means that they are truth.         |
| Page 158 |   | Page 160 |   |
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                              |
| 2        | --  | 2        | Q. Well, right now we have this                 |
| 3        | THE WITNESS: Five minutes.                    | 3        | document showing that you pulled Ms. Singer's   |
| 4        | (Whereupon, a recess was                      | 4        | credit report and --                            |
| 5        | taken at this time.)                          | 5        | A. That's correct.                              |
| 6        | BY MS. CATERINE:                              | 6        | MR. GOODMAN: Let her                            |
| 7        | Q. And you have Exhibit 25 in front of        | 7        | finish.   |
| 8        | you now, correct?                             | 8        | Q. And Ms. Singer says that she was             |
| 9        | A. I don't know if this is...                 | 9        | not there at the dealership that day. So do     |
| 10       | Q. Defendant's -- the text messages.          | 10       | you pull credit reports for customers who are   |
| 11       | MR. GOODMAN: Yes.                             | 11       | not present at the dealership?                  |
| 12       | A. There's some -- yes, text messages.        | 12       | MR. GOODMAN: Object to                          |
| 13       | MR. GOODMAN: What's the                       | 13       | form.   |
| 14       | number at the bottom? It's hard to            | 14       | A. If I pull Ms. Singer's credit,               |
| 15       | read on that one.                             | 15       | which clearly you can see here on May 30 I      |
| 16       | MS. CATERINE: It's a bit                      | 16       | did, it was because I had handwritten credit    |
| 17       | hard to read. It should say                   | 17       | application that was given to me and her ID     |
| 18       | Defendant's 70 through --                     | 18       | to pull her credit. Not because I               |
| 19       | THE WITNESS: Yes, yes,                        | 19       | deliberately just pull her credit because I     |
| 20       | that's what it is.                            | 20       | wanted to pull her credit.                      |
| 21       | Q. Okay, great. Prior to your                 | 21       | Q. Okay. And so you may not have seen           |
| 22       | preparation for this deposition today, had    | 22       | Jamie Singer yourself, you may have just had    |
| 23       | you ever seen this document?                  | 23       | an application for her and a copy of her        |
| 24       | A. No.  | 24       | driver's license; is that correct?              |
| 25       | Q. Do you know why Emanuel LaForest           | 25       | MR. GOODMAN: Object to the                      |

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|    |   | Page 161 | Page 163                                      |
|----|---|----------|---|
| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2  | form.   | 2        | MS. CATERINE: Can you read                    |
| 3  | A. That is correct. And if I had her          | 3        | back the question, Court Reporter?            |
| 4  | ID and her credit application signed, then, I | 4        | (Whereupon, the requested                     |
| 5  | pull her credit.                              | 5        | portion was read by the reporter.)            |
| 6  | Q. Okay. Does anyone else have access         | 6        | MR. GOODMAN: Objection,                       |
| 7  | to your login information for Deal Tracker?   | 7        | form. You can answer.                         |
| 8  | A. Not to my login, per se, but my            | 8        | A. You can say that I did, based on           |
| 9  | computer is there, and -- and my office is    | 9        | this document, pull her credit report, but I  |
| 10 | there. So I am login all day long. As soon    | 10       | am telling you that if I pulled her credit    |
| 11 | as I get to work, until, you know, nighttime, | 11       | report, it's because I had handwritten credit |
| 12 | when I usually leave.                         | 12       | app, an ID to, in fact, do that. I do not,    |
| 13 | Q. Does Stavros Orsaris have the login        | 13       | under no circumstance, pull credit reports    |
| 14 | information for you for Deal Tracker?         | 14       | for random customer, for random people, with  |
| 15 | MR. GOODMAN: Object to the                    | 15       | no authorization. Do you understand?          |
| 16 | form.   | 16       | Q. Let's try rephrasing the question.         |
| 17 | A. No. You need a login and password,         | 17       | Why would this document say that              |
| 18 | and I don't share my password with no one.    | 18       | you pulled Ms. Singer's credit report?        |
| 19 | Q. So if a Deal Tracker document says         | 19       | MR. GOODMAN: That's the                       |
| 20 | that you pulled someone's credit report, such | 20       | question -- objection to the form.            |
| 21 | as this one, saying that you pulled Jaime     | 21       | A. The document will say that I pulled        |
| 22 | Singer's credit report, you could be sure     | 22       | Jaime Singer's credit report because I had in |
| 23 | that it was you who pulled her credit report; | 23       | my hand a handwritten credit application with |
| 24 | is that correct?                              | 24       | an ID from Jaime Singer, and she was at the   |
| 25 | MR. GOODMAN: Object to                        | 25       | dealership, willingly, to purchase an         |
|    |   | Page 162 | Page 164                                      |
| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                            |
| 2  | form.   | 2        | automobile. Am I clear?                       |
| 3  | A. I don't know. But once again, if I         | 3        | Q. So you pulled Jamie Singer's credit        |
| 4  | pulled her credit report, it's because I got  | 4        | report, correct?                              |
| 5  | a credit application and an ID from this      | 5        | A. It was pulled after getting a              |
| 6  | customer. Because I would not, under any      | 6        | signed credit application and ID from the     |
| 7  | reason or circumstance, pull no credit for no | 7        | customer. It was not pulled willingly. It     |
| 8  | one without their permission.                 | 8        | was pulled under her authorization, once      |
| 9  | Q. Well, you say "if," but if no one          | 9        | again.  |
| 10 | else has your login information, why would    | 10       | Q. "Yes" or "no," did you pull Jamie          |
| 11 | this document show that you pulled            | 11       | Singer's credit report?                       |
| 12 | Ms. Singer's credit report, other than if you | 12       | A. Yes. Yes, ma'am. Yes, ma'am. It            |
| 13 | had, in fact, pulled her credit report?       | 13       | was pulled. If it says it was under my        |
| 14 | MR. GOODMAN: She is not                       | 14       | login, it was pulled, and that means that she |
| 15 | saying she didn't.                            | 15       | was there, she signed, and gave her ID for us |
| 16 | A. I am not saying she didn't.                | 16       | to do it.                                     |
| 17 | MS. CATERINE: Please, don't                   | 17       | Q. Okay, please let me finish the             |
| 18 | -- please. We've been over the                | 18       | question. Did you pull Ms. Singer's credit    |
| 19 | speaking objections.                          | 19       | report on May 30, 2020 -- "yes" or "no"?      |
| 20 | MR. GOODMAN: Yeah, and we                     | 20       | A. Ma'am, you asking the same question        |
| 21 | have also --                                  | 21       | repeatedly. You harassing me right now. You   |
| 22 | MS. CATERINE: Read back the                   | 22       | know that, right? You asking me the same      |
| 23 | question.                                     | 23       | question more than once, and I am giving you  |
| 24 | THE WITNESS: Okay, so let's                   | 24       | answer. I am giving you an answer more than   |
| 25 | go back.                                      | 25       | once. I gave you an answer, and you keep      |

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|    |   | Page 165 | Page 167                                     |
|----|---|----------|--|
| 1  | Yessica K. Vallejo                          | 1        | Yessica K. Vallejo                           |
| 2  | harassing me.                               | 2        | THE WITNESS: Do you know                     |
| 3  | Q. "Yes" or "no"?                           | 3        | for a fact that that person wasn't           |
| 4  | MR. GOODMAN: You know,                      | 4        | Ms. Francois?                                |
| 5  | Emma, at this point we are reaching         | 5        | MR. GOODMAN: No, just                        |
| 6  | the point that it does fall under           | 6        | answer the question. Listen to the           |
| 7  | 30-D-3 harassment.                          | 7        | question, answer the question.               |
| 8  | MS. CATERINE: You want me                   | 8        | THE WITNESS: There was a                     |
| 9  | to get the judge on the phone?              | 9        | woman in my office. I can't tell             |
| 10 | THE WITNESS: Why are you                    | 10       | you if it was her or not.                    |
| 11 | harassing me?                               | 11       | MR. GOODMAN: That's not the                  |
| 12 | MR. GOODMAN: No, if it                      | 12       | question.                                    |
| 13 | continues, I will just terminate,           | 13       | Q. I am not asking you that.                 |
| 14 | and we will make our motion as              | 14       | A. Oh.                                       |
| 15 | allowed under federal rules.                | 15       | MR. GOODMAN: Listen to the                   |
| 16 | MS. CATERINE: I haven't                     | 16       | question and answer the question.            |
| 17 | received --                                 | 17       | A. Okay, go ahead.                           |
| 18 | THE WITNESS: You will not                   | 18       | Q. So on May 30, 2020, Mr. LaForest          |
| 19 | make me change what I tell you. I           | 19       | and a woman were in your office together,    |
| 20 | am telling my answer. That's the            | 20       | correct?                                     |
| 21 | same answer. If you ask fifty               | 21       | A. That is correct.                          |
| 22 | times, I am going to give you the           | 22       | Q. Let's take a look at what was             |
| 23 | same answer, ma'am.                         | 23       | previously marked Exhibit 29, subpoena       |
| 24 | MS. CATERINE: Can you                       | 24       | responses 515 to 553, please.                |
| 25 | please instruct your client to              | 25       | MR. GOODMAN: Give me a                       |
|    |   | Page 166 | Page 168                                     |
| 1  | Yessica K. Vallejo                          | 1        | Yessica K. Vallejo                           |
| 2  | allow me to speak?                          | 2        | minute.                                      |
| 3  | THE WITNESS: You are                        | 3        | MS. CATERINE: Sure.                          |
| 4  | harassing me. Who's going to                | 4        | MR. GOODMAN: It's this                       |
| 5  | instruct you to stop harassing me?          | 5        | stack over here. It looks like               |
| 6  | It's harassment.                            | 6        | this.  |
| 7  | MR. GOODMAN: Okay, let's go                 | 7        | MS. CATERINE: It's also                      |
| 8  | forward. She has answered "yes," I          | 8        | Bates-stamped DTI 7 through DTI 45.          |
| 9  | don't know how many times. You              | 9        | Just look at what you are                    |
| 10 | have exhausted that area. Can we            | 10       | holding up on the screen. I think            |
| 11 | please move ahead?                          | 11       | that's it. It looks like it.                 |
| 12 | MS. CATERINE: Court                         | 12       | MR. GOODMAN: What's the                      |
| 13 | Reporter, do you have -- do we have         | 13       | last Bates stamp number?                     |
| 14 | an answer of "yes" on the record?           | 14       | MS. CATERINE: The last                       |
| 15 | (Whereupon, the requested                   | 15       | Bates stamp number, subpoena                 |
| 16 | portion was read by the reporter.)          | 16       | response 553.                                |
| 17 | MS. CATERINE: I apologize.                  | 17       | MR. GOODMAN: Okay, we have                   |
| 18 | I didn't think the question had             | 18       | it.  |
| 19 | been finished.                              | 19       | MS. CATERINE: Okay, great.                   |
| 20 | Q. Okay. And you said that                  | 20       | Q. So take your time to review the           |
| 21 | Mr. LaForest and a woman, who at the very   | 21       | document as much as you would like. What are |
| 22 | least was claiming to be Ms. Francois, were | 22       | these pages of the document?                 |
| 23 | in your office on May 30, 2020, correct?    | 23       | MR. GOODMAN: Object to the                   |
| 24 | MR. GOODMAN: Objection,                     | 24       | form, but take your time and look            |
| 25 | form.                                       | 25       | at it. When you are ready, we will           |

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| 1        Yessica K. Vallejo                            | 1        Yessica K. Vallejo                             |          |
| 2        go ahead.                                     | 2        A. What you mean? I am looking at it,          |          |
| 3        A. This is an approval sheet from the         | 3        so do you.                                     |          |
| 4        bank. The first page, of course. I don't      | 4        Q. Is there something on the document          |          |
| 5        know the rest of the pages.                   | 5        that shows that you were the one who           |          |
| 6        Q. Sure, just take your time to review        | 6        submitted the credit application?              |          |
| 7        the pages.                                    | 7        A. You telling me that you pulled this         |          |
| 8                MR. GOODMAN: Go ahead and             | 8        from Dealer Track, and these are applications  |          |
| 9                look through the whole thing.         | 9        that I submitted. That's what you telling me   |          |
| 10        A. This is the same page over and over       | 10        right now.                                    |          |
| 11        for Capital One. As per, Chase, it's a       | 11        Q. Well, I -- I did not mean to tell          |          |
| 12        decline notice. Lloyds Bank, decline. TD,    | 12        you that. I am genuinely asking you, is this  |          |
| 13        decline notice. Ally, decline notice. And    | 13        something -- is this in response to something |          |
| 14        then from Capital One, it's a conditional    | 14        you submitted in Ms. Francois' name?          |          |
| 15        approval, and all the time there's update on | 15        MR. GOODMAN: Object to the                    |          |
| 16        the numbers, they refresh the approval, and  | 16        form.   |          |
| 17        it looks like they giving you new approval,  | 17        A. This is a decline form from a deal         |          |
| 18        but it's just update on it.                  | 18        that was omitted after this customer came to  |          |
| 19        Q. Okay. Let's go back to the first          | 19        the dealership and gave her credit            |          |
| 20        page of the document, Bates-stamped subpoena | 20        application, signed, date, and her ID, to     |          |
| 21        responses 515.                               | 21        apply for credit, and if you see on the top,  |          |
| 22        A. Uh-huh. Okay, I am here.                  | 22        it says, "decline by the lender."             |          |
| 23        Q. This would have been a deal -- this       | 23        Q. Uh-huh.                                    |          |
| 24        approved deal was a response to an           | 24        A. I am assuming all these papers that        |          |
| 25        application for financing submitted by you   | 25        you gave me are me working the deal. I        |          |
|  | Page 170  | Page 172 |
| 1        Yessica K. Vallejo                            | 1        Yessica K. Vallejo                             |          |
| 2        for Farah Jean Francois, correct?             | 2        thought you already knew that I was the one    |          |
| 3        A. Correct.                                   | 3        that submitted it.                             |          |
| 4        Q. And if Mr. LaForest and                    | 4        MR. GOODMAN: Okay, her                         |          |
| 5        Ms. Francois filled out a credit application  | 5        question is, is there anything on              |          |
| 6        together, why weren't applications for        | 6        this page that shows that it's you             |          |
| 7        financing made in both of their names?        | 7        that did this?                                 |          |
| 8        A. It could have been that Ms.                | 8        THE WITNESS: No, it doesn't                    |          |
| 9        Francois requested to do the loan under her   | 9        have my name on it.                            |          |
| 10        name alone.                                  | 10        Q. Would there be any other document          |          |
| 11        Q. Okay. Would there have been -- is         | 11        that would show that you were the one who was |          |
| 12        there any other reason why you think that    | 12        working the deal?                             |          |
| 13        would have happened?                         | 13        A. No.  |          |
| 14        MR. GOODMAN: Object to the                   | 14        Q. Okay. But if your name appears,            |          |
| 15        form.  | 15        for example, on the retail installment sales  |          |
| 16        A. No.                                       | 16        contract, could it be assumed that you were   |          |
| 17        Q. Could you turn to subpoena                | 17        the one who was working the deal?             |          |
| 18        responses 519, please?                       | 18        MR. GOODMAN: Object to                        |          |
| 19        A. Okay.                                     | 19        form.   |          |
| 20        Q. And this credit denial was a              | 20        A. That is correct.                           |          |
| 21        response to an application for financing     | 21        Q. And would there ever be a situation        |          |
| 22        submitted by you in Ms. Francois' name,      | 22        where your name would be on the buyer's order |          |
| 23        correct?                                     | 23        and the sales contract, but another finance   |          |
| 24        A. Correct.                                  | 24        manager had been the one submitting the       |          |
| 25        Q. And how do you know that?                 | 25        credit applications?                          |          |

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| 1 Yessica K. Vallejo<br>2 A. It could be. It happens sometime<br>3 if the finance is -- is not there, and I have<br>4 to finalize for him, I will be the one<br>5 signing the contract, even if he was the one<br>6 that submit the deal. Remember, we are a<br>7 team with five people, so we work together.<br>8 Q. Okay. And other than the retail<br>9 installment sales contract, and the buyer's<br>10 order, would there be any other way to<br>11 determine who submitted the credit<br>12 applications?<br>13 A. No, the only way is Deal Tracker<br>14 showing you under whose login was the credit<br>15 app submitted.<br>16 Q. Can you turn to page subpoena<br>17 response 521, please?<br>18 A. Okay.<br>19 Q. And under the "reasons" for this<br>20 credit denial, do you see where it says, "too<br>21 many inquiries last twelve months"? | 1 Yessica K. Vallejo<br>2 Q. You can't answer what you have seen<br>3 in credit denials?<br>4 A. I don't know. I am not a credit<br>5 lender. I don't know the reasons because<br>6 they deny customers. It's -- it's -- shows<br>7 there four reasons, and you asking me about<br>8 one of them. I am not credit lender. I<br>9 don't know the factors that affect this<br>10 credit decision, because I am not a lender.<br>11 You understand? I mean, I cannot tell you,<br>12 even if I want to. I don't know.<br>13 Q. Sure. But have you seen this<br>14 reason, "too many inquiries last twelve<br>15 months"? Have you ever seen it on a credit<br>16 denial, beside this one?<br>17 A. I don't recall.<br>18 Q. You don't remember any other<br>19 instance where one of the reasons was "too<br>20 many inquiries in the last twelve months"?   |
| 22 A. I see it.<br>23 Q. And what do you understand that to<br>24 mean?<br>25 MR. GOODMAN: Objection to  | 21 MR. GOODMAN: Objection,<br>22 form.<br>23 A. No, you have other declines here<br>24 for her and none of them say that. That<br>25 might be something particularly for this   |
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| 1 Yessica K. Vallejo<br>2 form; go ahead.<br>3 A. Too many inquiries last twelve<br>4 months.<br>5 Q. What does "inquiries" mean?<br>6 A. That's the times you run your<br>7 credit.<br>8 Q. Okay.<br>9 A. It shows in your credit report.<br>10 Q. So a consumer can have credit<br>11 denied based on the number of inquiries on<br>12 their credit report; is that correct?<br>13 MR. GOODMAN: Objection to<br>14 the form of that question.<br>15 A. I am not a credit lender. I do not<br>16 provide credit. I cannot answer that<br>17 question.<br>18 Q. But you have seen denials such as<br>19 this one, which lists number of inquiries<br>20 under reasons for the denial; is that<br>21 correct?<br>22 MR. GOODMAN: Objection to<br>23 the form.<br>24 A. I am not a credit lender. I cannot<br>25 answer that question.                         | 1 Yessica K. Vallejo<br>2 lender. I mean, it doesn't mean that every<br>3 lender uses that reason. I wouldn't be able<br>4 to tell you because I am not a credit lender.<br>5 Q. When you receive credit denials, do<br>6 you ever explain to the consumer the reasons<br>7 listed for why they were denied?<br>8 A. Of course. I give them the paper,<br>9 this paper. They can read it, and also they<br>10 get a letter from the lender explaining the<br>11 same thing.<br>12 Q. So you would have given them -- you<br>13 would have given Farah Jean Francois this<br>14 example, all --<br>15 A. I would have showed her, of course.<br>16 MR. GOODMAN: Let her finish<br>17 the question.<br>18 THE WITNESS: Oh.<br>19 Q. You would have given Farah Jean<br>20 Francois all of the pages of the document<br>21 that we're currently looking at; is that<br>22 correct?<br>23 A. I would have showed her the<br>24 reasons, because we have denials with other<br>25 lenders, you know, and what is the reason, |

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| 1 Yessica K. Vallejo<br>2 because we going through the lender that we<br>3 went through.<br>4 Q. Sure. So would you just have,<br>5 like, showed her on your computer screen, you<br>6 know, like turned the computer screen so she<br>7 can see --<br>8 A. Probably.<br>9 Q. -- or just read it to her, read<br>10 what it says?<br>11 A. Probably, yes.<br>12 Q. Okay.<br>13 A. Most customer want to know, you<br>14 understand, and they entitle to.<br>15 Q. Yeah, of course. And so at some<br>16 point you explained to consumer that a reason<br>17 for the credit denial was too many inquiries<br>18 last twelve months; is that correct?<br>19 MR. GOODMAN: Objection,<br>20 form.<br>21 A. The customer got a letter from this<br>22 lender to her house explaining the reasons of<br>23 the decline. Every lender, they send a<br>24 letter to the customer. But I probably did<br>25 show her the reasons because she got   | 1 Yessica K. Vallejo<br>2 not. I can't answer what you want me to<br>3 answer. I have to tell you the truth. I<br>4 don't know.<br>5 Q. Okay. It's just not always --<br>6 A. If I know, I tell you. If I don't<br>7 know, I don't know.<br>8 Q. And if you turn to the next page,<br>9 which is Bates-stamped subpoena responses<br>10 523, could you explain why there would be<br>11 another conditional approval from Capital<br>12 One, and this one is timestamped 5:13 p.m.,<br>13 when there already was an approval that day<br>14 from Capital One at an earlier time?<br>15 A. This is not a different approval.<br>16 It's the same exact approval. It's just that<br>17 it was an update made on it. It could've<br>18 been we update tax, that we update miles on<br>19 the car. That is not a different approval.<br>20 Or we rerun her credit, or we got different<br>21 approval. It's exact one. All these Capital<br>22 One approvals that you have, they are the<br>23 same approval. It's just that all the time<br>24 there's a change made to the structure of the<br>25 deal, going to see an update. And when did |
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| 1 Yessica K. Vallejo<br>2 declined, if she asked me to, you know, I<br>3 would have explained, "the lender, the one<br>4 that is" -- "is giving us best approval, best<br>5 rate, is Capital One. So take into<br>6 consideration going through this lender," so<br>7 on and so forth.<br>8 Q. If you can turn to the page<br>9 Bates-stamped subpoena responses 522.<br>10 A. Okay, we're here.<br>11 Q. And under the reasons for this one,<br>12 there's something referenced "called<br>13 SageStream." What is "SageStream"?<br>14 A. I don't know.<br>15 Q. Okay. And you can see under the<br>16 "comments," there's a timestamp there of "May<br>17 30, 2020, 5:12 p.m." Do you have any reason<br>18 to believe that that timestamp is inaccurate?<br>19 MR. GOODMAN: Object to<br>20 form.<br>21 A. I don't know.<br>22 Q. Sorry, "yes" or "no," do you have<br>23 any reason to believe that the timestamp here<br>24 is inaccurate?<br>25 A. I don't know if it's accurate or | 1 Yessica K. Vallejo<br>2 you update the deal, and what time did you<br>3 update the deal, we didn't rerun her credit<br>4 again with Capital One. Capital One has Oral<br>5 Navigator. You go there and you work the<br>6 deal.<br>7 MR. GOODMAN: Just answer<br>8 the question that's asked of you,<br>9 okay?<br>10 THE WITNESS: Okay by me.<br>11 She said auto calculate /*R.<br>12 Q. I am just trying to understand<br>13 here.<br>14 A. No problem.<br>15 Q. One of the earlier deals, if you<br>16 look at the page Bates-stamped subpoena<br>17 responses 517, the amount approved here is<br>18 27,550, and then if we go back to the<br>19 approval we were just looking at --<br>20 MR. GOODMAN: 523?<br>21 Q. -- 523, that one is for the amount<br>22 25,550. Could you explain for me why that<br>23 changed?<br>24 A. Okay, so 5/17, you see the same<br>25 price of the car is \$35,000?   |

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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |          |
| 2 Q. Uh-huh.                                     | 2 Q. Is this stipulation about how they         |          |
| 3 A. 523, you can see the selling price          | 3 must receive the contract and have stips      |          |
| 4 is \$33,000. So the customer must got a        | 4 complete by June 29, 2020, is that the reason |          |
| 5 discount from the sales manager, if we lower   | 5 why there was a resigning on June 29, 2020?   |          |
| 6 the pricing, you can see here in the numbers.  | 6 MR. GOODMAN: Object to                        |          |
| 7 So that's why now the finance amount is less   | 7 form; go ahead.                               |          |
| 8 than 517 now. It's \$2,000 less.               | 8 A. I don't know.                              |          |
| 9 Q. I see. And so when a sales manager          | 9 Q. Okay.                                      |          |
| 10 is going to give a discount like this, is     | 10 MR. GOODMAN: Emma, when you                  |          |
| 11 that something that you are going to, as the  | 11 come to a place you are okay with,           |          |
| 12 finance manager, discuss with a sales manager | 12 can we take a break?                         |          |
| 13 giving a discount?                            | 13 MS. CATERINE: Yes, I will                    |          |
| 14 A. If the customer have any concerns          | 14 keep that in mind. Just let me ask           |          |
| 15 about the pricing, then, he -- they speak to  | 15 a few more questions.                        |          |
| 16 the sales manager. And if there's any update  | 16 MR. GOODMAN: Yeah, no                        |          |
| 17 or changes, they communicate that to me.      | 17 problem.                                     |          |
| 18 Q. I see. So you -- you explain to a          | 18 Q. If you could turn to the page             |          |
| 19 customer the best terms you are able to       | 19 Bates-stamped subpoena responses 530. Just   |          |
| 20 receive, in response to the credit            | 20 let me know when you have that in front of   |          |
| 21 applications. Consumer's not happy with       | 21 you.   |          |
| 22 those terms and asks the sales manager about  | 22 A. I do.                                     |          |
| 23 a discount, and then the sales manager says   | 23 Q. Okay. Do you see the decision date        |          |
| 24 to you, "okay, we can give that discount,"    | 24 here of June 29, 2020, 10:30 a.m.?           |          |
| 25 and you plug it into, I think you called, the | 25 A. Yes.                                      |          |
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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |          |
| 2 "auto navigator"; is that right?               | 2 Q. Why was there a denial on June 29,         |          |
| 3 A. Correct.                                    | 3 2020, as opposed to the other denials we've   |          |
| 4 Q. Okay. And what is the Auto                  | 4 looked at so far, which were on May 30, 2020? |          |
| 5 Navigator? Is this something that you access   | 5 MR. GOODMAN: Object to                        |          |
| 6 through Deal Tracker, is it -- how does it     | 6 form; you can answer.                         |          |
| 7 work?  | 7 A. Because it was submitted that day          |          |
| 8 A. It's like Dealer Track. It's the            | 8 to that bank, to that particular lender.      |          |
| 9 same thing. It's just you do a deal update,    | 9 Q. Okay. So credit applications were          |          |
| 10 you change -- you lower the pricing, just,    | 10 submitted on June 29th, as well as May 30th, |          |
| 11 you know, that's going to get you a better    | 11 correct?                                     |          |
| 12 deal also because you are financing less.     | 12 A. Correct.                                  |          |
| 13 Q. And still looking at subpoena              | 13 Q. And, in general, each of the              |          |
| 14 responses 523 --                              | 14 approvals and denials here is going to       |          |
| 15 A. Uh-huh.                                    | 15 correspond to a credit application, other    |          |
| 16 Q. -- one of the stipulations here is,        | 16 than what you were talking about earlier,    |          |
| 17 "must receive contract and have stips         | 17 with adjustments to deals with Capital One;  |          |
| 18 complete by June 29, 2020, or app will        | 18 is that correct?                             |          |
| 19 expire." Do you see that?                     | 19 MR. GOODMAN: Objection to                    |          |
| 20 A. Yes.                                       | 20 form of that question.                       |          |
| 21 Q. Is this what you were talking about        | 21 A. I don't understand the question.          |          |
| 22 when we were discussing resigning earlier?    | 22 Sorry.                                       |          |
| 23 MR. GOODMAN: Object to the                    | 23 Q. Sure, sure. The only reason why           |          |
| 24 form; go ahead.                               | 24 there would be conditional approval or a     |          |
| 25 A. Can you be more specific?                  | 25 decline would be in response to a credit     |          |

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| 1 Yessica K. Vallejo<br>2 application; is that correct?<br>3 A. Correct.<br>4 Q. Okay.<br>5 A. If this application was submitted<br>6 again on 6/29, that means the customer<br>7 authorized us to rework the deal app,<br>8 resubmit to all lenders that we didn't submit<br>9 in the first place.<br>10 Q. Okay.<br>11 A. All the time that application is<br>12 submitted to the lender is because we have<br>13 handwritten credit application signed by the<br>14 customer. So here in the paperwork, see we<br>15 have Dealer Track credit app signed by her on<br>16 26th, which is the same day we resubmit to<br>17 all lender probably to see if we can get --<br>18 if we could get better approval for her.<br>19 Usually this happens when the customer<br>20 actually requests to reword the deal to get a<br>21 better interest rate, better terms or<br>22 whatsoever.<br>23 Q. So there should be an additional<br>24 credit written -- I think you said<br>25 handwritten credit application on the 29th? | 1 Yessica K. Vallejo<br>2 the miles changed. So all the time that you<br>3 do update, the system treats this like you<br>4 getting a new approval. But it's the same<br>5 approval. It's just you make a change to the<br>6 application -- even if you change a penny on<br>7 taxes, it will show like this, like it's<br>8 brand-new.<br>9 Q. Okay. And also under the<br>10 stipulations it says, "POI not required based<br>11 on current deal structure." And "POI" stands<br>12 for "proof of income," correct?<br>13 A. That is correct.<br>14 Q. And that was one of the reasons<br>15 that this deal was accepted, was that it<br>16 would not require proof of income, correct?<br>17 MR. GOODMAN: Object to<br>18 form.<br>19 A. Not necessarily.<br>20 Q. Okay, well, I am just trying to<br>21 understand why this would have been the deal<br>22 that would have been entered into, versus,<br>23 say, the deal on the subpoena responses 550,<br>24 which does require proof of income.<br>25 A. If the deal requires proof of |
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| 1 Yessica K. Vallejo<br>2 A. No, I say credit -- Dealer Track<br>3 credit application. I see it here. It's<br>4 somewhere here.<br>5 Q. Okay, well, we'll take a look at<br>6 that later. If you could take a look at<br>7 subpoena responses 552, please, toward the<br>8 very end. It's the second-to-last page.<br>9 A. Yes.<br>10 Q. And this is the approval with the<br>11 latest Bates-stamped -- or excuse me, the<br>12 latest timestamp of June 29, 2020, at 3:31<br>13 p.m.. Is this the deal that was, in fact,<br>14 entered into?<br>15 MR. GOODMAN: Object to<br>16 form; go ahead.<br>17 A. Yes.<br>18 Q. And under the stipulations on this<br>19 page it says, "multiple approvals for this<br>20 applicant, first contract in-house fund."<br>21 What does that mean?<br>22 A. That it was more than one approval<br>23 for her, and whichever first, they getting<br>24 in-house. That's the one they going to fund.<br>25 It could be that the customer change the car,                                | 1 Yessica K. Vallejo<br>2 income or doesn't, it doesn't make a<br>3 difference because the customer stated on her<br>4 credit application that she works and she can<br>5 provide proof of income.<br>6 Q. Well, what if --<br>7 A. I don't know, exactly, what was the<br>8 reason because they came back to resign. I<br>9 can't recall exactly the reason. But they<br>10 came back to resign and we finalize the deal<br>11 that day.<br>12 Q. Sure. So if a consumer, for<br>13 example, really wants to get this deal done<br>14 that day, but they hadn't brought in proof of<br>15 income, so they would have to, you know, go<br>16 back and get it and come back a different<br>17 day, and they are, like, "no, I want to get<br>18 this done," would that be a reason to go with<br>19 the deal that doesn't require proof of<br>20 income?<br>21 MR. GOODMAN: Object to<br>22 form.<br>23 A. It could be the reason.<br>24 Q. Okay. And let's go back to the<br>25 first page of this exhibit, and the timestamp                |

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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |          |
| 2 here for the approval is May 30, 2020, at      | 2 Q. Could the reason why it says,              |          |
| 3 3:59 p.m. Do you see that?                     | 3 "phone number not validated" be that the same |          |
| 4 A. Yes.  | 4 phone number was listed for both Emanuel      |          |
| 5 Q. Do you know why Mr. LaForest's              | 5 LaForest and Farah Jean Francois on the       |          |
| 6 credit was shown on the other document that    | 6 credit application that we looked at?         |          |
| 7 we looked at, being run at 4:38 p.m.,          | 7 MR. GOODMAN: Objection to                     |          |
| 8 whereas, a credit application was made for     | 8 the form.                                     |          |
| 9 Ms. Francois at 4:59 p.m., if they were        | 9 Q. And feel free to look at that.             |          |
| 10 co-applicants?                                | 10 It's Bates-stamped Defendant's 2.            |          |
| 11 MR. GOODMAN: Object to the                    | 11 A. What credit application?                  |          |
| 12 form of the question.                         | 12 Handwritten credit application?              |          |
| 13 A. I don't know.                              | 13 Q. Yeah, in the deal jacket.                 |          |
| 14 Q. And if you look at what was                | 14 MR. GOODMAN: Second page of                  |          |
| 15 previously marked as Exhibit 30 --            | 15 the deal jacket.                             |          |
| 16 MR. GOODMAN: Which one?                       | 16 THE WITNESS: But this is                     |          |
| 17 MS. CATERINE: It's                            | 17 the phone number provided by the             |          |
| 18 Bates-stamped subpoena responses              | 18 customer.                                    |          |
| 19 513.  | 19 MR. GOODMAN: Okay, just                      |          |
| 20 MR. GOODMAN: Okay.                            | 20 answer the question that she's               |          |
| 21 A. Oh, I have it.                             | 21 asking you.                                  |          |
| 22 MR. GOODMAN: It's a single                    | 22 THE WITNESS: We go by                        |          |
| 23 page.   | 23 whatever the customer provides.              |          |
| 24 MS. CATERINE: Yeah, it says                   | 24 Q. If you have a credit application          |          |
| 25 "red flags results" at the top.               | 25 and there are two applicants, and they list  |          |
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| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                            |          |
| 2 MR. GOODMAN: Yeah.                             | 2 the same phone number, are you going to ask   |          |
| 3 A. I am listening.                             | 3 why they listed the same phone number?        |          |
| 4 Q. And this is what you had referred           | 4 MR. GOODMAN: Object to the                    |          |
| 5 to when you mentioned "red flag results"       | 5 form.   |          |
| 6 earlier in your deposition, correct?           | 6 A. No.  |          |
| 7 MR. GOODMAN: Object to the                     | 7 Q. Okay.                                      |          |
| 8 form.  | 8 A. Because --                                 |          |
| 9 A. That is correct.                            | 9 MR. GOODMAN: No, don't                        |          |
| 10 Q. And the timestamp for this document        | 10 "because." "No."                             |          |
| 11 is May 30, 2020, at 4:55 p.m.                 | 11 MS. CATERINE: All right.                     |          |
| 12 Do you know why this document has             | 12 Do you want to take that break now?          |          |
| 13 that timestamp, but the first credit approval | 13 MR. GOODMAN: That would be                   |          |
| 14 comes earlier, at 3:59 p.m.?                  | 14 great now; thank you.                        |          |
| 15 MR. GOODMAN: Object to the                    | 15 MS. CATERINE: Yeah.                          |          |
| 16 form.   | 16 (Whereupon, a recess was                     |          |
| 17 A. I don't know.                              | 17 taken at this time.)                         |          |
| 18 Q. Do you know why this document says,        | 18 BY MS. CATERINE:                             |          |
| 19 "social security number not validated"?       | 19 Q. If we can go back to the deal             |          |
| 20 A. No.  | 20 jacket, please, and turn to the page         |          |
| 21 Q. Do you know why this document says,        | 21 Bates-stamped Defendant's 12. Let me know    |          |
| 22 "phone number not validated"?                 | 22 when you are there.                          |          |
| 23 MR. GOODMAN: Object to                        | 23 A. I am there.                               |          |
| 24 form; go ahead.                               | 24 Q. And what is this?                         |          |
| 25 A. No.  | 25 A. I don't know.                             |          |

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|    |   | Page 193 | Page 195  |
|----|---|----------|---|
| 1  | Yessica K. Vallejo                          | 1        | Yessica K. Vallejo                              |
| 2  | Q. You have never seen a document like      | 2        | before?   |
| 3  | this one before?                            | 3        | A. Yes.   |
| 4  | MR. GOODMAN: Object to                      | 4        | MR. GOODMAN: Objection.                         |
| 5  | form.                                       | 5        | MS. CATERINE: Sorry.                            |
| 6  | A. No.                                      | 6        | Q. And where had you seen the A31 ID            |
| 7  | Q. Okay. Do you know why it's dated         | 7        | before?   |
| 8  | July 15, 2020?                              | 8        | A. On Deal Tracker.                             |
| 9  | A. No.                                      | 9        | Q. Okay. Where on Deal Tracker had              |
| 10 | Q. Okay, do you see here where it           | 10       | you seen it?                                    |
| 11 | says, "origination date, June 29, 2020"?    | 11       | A. On the DMS.                                  |
| 12 | A. Yes, I see it.                           | 12       | Q. What does that stand for?                    |
| 13 | Q. I know you said you hadn't seen          | 13       | A. The DMS is the platform where we             |
| 14 | this document before, but do you have any   | 14       | upload the deals and -- to put all numbers      |
| 15 | understanding what "origination date" could | 15       | on, login the customer information, and I got   |
| 16 | refer to?                                   | 16       | to put my name as defined as manager. So the    |
| 17 | MR. GOODMAN: Object to                      | 17       | 17 number that we use, instead of name, is A31. |
| 18 | form.                                       | 18       | Everybody has a number.                         |
| 19 | A. No.                                      | 19       | Q. Okay, great. Did you, in fact,               |
| 20 | Q. Okay.                                    | 20       | receive a commission of \$317.26 for this       |
| 21 | MR. KESHAVARZ: Exhibit                      | 21       | sale?   |
| 22 | number is that?                             | 22       | A. Yes, I did.                                  |
| 23 | MS. CATERINE: It's Exhibit                  | 23       | Q. Okay. And under you, it lists "ID            |
| 24 | 21, and this is Bates-stamped               | 24       | 999," and the name is "house sales rep."        |
| 25 | Defendant's 12.                             | 25       | Who does that refer to?                         |
|    |   | Page 194 | Page 196  |
| 1  | Yessica K. Vallejo                          | 1        | Yessica K. Vallejo                              |
| 2  | MR. KESHAVARZ: Thanks.                      | 2        | A. I don't know.                                |
| 3  | MS. CATERINE: Yeah.                         | 3        | Q. Are you familiar with any Victory            |
| 4  | Q. And towards the bottom, do you see       | 4        | Mitsubishi employee who has ID 999?             |
| 5  | the section labeled "commissions"?          | 5        | A. No. I don't know anybody's ID.               |
| 6  | A. Yes.                                     | 6        | Q. Other than this document, have you           |
| 7  | Q. And it lists a commission of             | 7        | ever seen this ID of 999 before, such as on     |
| 8  | \$317.26 for you, Yessica Vallejo; is that  | 8        | Deal Tracker?                                   |
| 9  | correct?                                    | 9        | A. No.  |
| 10 | A. That is correct.                         | 10       | Q. And if you could turn to                     |
| 11 | Q. And it has an ID here for you of         | 11       | Defendant's 26, please. And what is this        |
| 12 | "A31." What is this "A31 ID"?               | 12       | document?                                       |
| 13 | A. That's my employer ID.                   | 13       | A. It's a sales worksheet.                      |
| 14 | Q. Okay, is that the ID you use, for        | 14       | Q. And there's a timestamp in the               |
| 15 | example, to login to Deal Tracker?          | 15       | bottom right corner. It's a little hard to      |
| 16 | A. No.                                      | 16       | read. But I will represent for the record       |
| 17 | Q. No. What do you use that ID for?         | 17       | that it says, "May 30, 2022, 16:51 p.m."        |
| 18 | A. I don't use it for anything. Per         | 18       | Do you see that?                                |
| 19 | se.   | 19       | A. Yeah.  |
| 20 | Q. It's used by the dealership, just        | 20       | MR. GOODMAN: You have to                        |
| 21 | to identify you; is that correct?           | 21       | say, "yes."                                     |
| 22 | MR. GOODMAN: Object to                      | 22       | A. Yes.   |
| 23 | form.                                       | 23       | Q. And is that automatically generated          |
| 24 | A. Probably.                                | 24       | when a document is printed?                     |
| 25 | Q. Okay. Have you ever seen that ID         | 25       | MR. GOODMAN: Object to                          |

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| Page 197  |  | Page 199   |
|---|--|--|
| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 form.   | 2 MR. GOODMAN: Object to the                     | 2 MR. GOODMAN: Object to the                     |
| 3 A. I don't know.                              | 3 form.  | 3 form.  |
| 4 Q. Do you ever print, say, sales              | 4 A. I don't know.                               | 4 A. I don't know.                               |
| 5 worksheets?                                   | 5 Q. And do you see the timestamp here           | 5 Q. And do you see the timestamp here           |
| 6 A. No.  | 6 under the date that says, "May 30, 2020, 8:04  | 6 under the date that says, "May 30, 2020, 8:04  |
| 7 Q. Who prints the sales worksheets?           | 7 p.m.?  | 7 p.m.?  |
| 8 A. Sales manager.                             | 8 A. Yes, I see it.                              | 8 A. Yes, I see it.                              |
| 9 Q. And based on David Perez being             | 9 Q. And do you have any reason to               | 9 Q. And do you have any reason to               |
| 10 listed on the top right-hand corner, is it   | 10 believe that that timestamp is inaccurate?    | 10 believe that that timestamp is inaccurate?    |
| 11 reasonable to assume that Mr. Perez was the  | 11 A. I don't know.                              | 11 A. I don't know.                              |
| 12 one who printed this sales worksheet?        | 12 Q. And if I recall correctly, the down        | 12 Q. And if I recall correctly, the down        |
| 13 MR. GOODMAN: Object to                       | 13 payment is only made once you have decided on | 13 payment is only made once you have decided on |
| 14 form.  | 14 the terms of the sale; is that correct?       | 14 the terms of the sale; is that correct?       |
| 15 A. I don't know.                             | 15 MR. GOODMAN: Object to                        | 15 MR. GOODMAN: Object to                        |
| 16 Q. And do you know why there's a sales       | 16 form.   | 16 form.   |
| 17 worksheet for Emanuel LaForest, but not for  | 17 A. After the customer says, "yes,"            | 17 A. After the customer says, "yes,"            |
| 18 Farah Jean Francois?                         | 18 then whatever given time they made the down   | 18 then whatever given time they made the down   |
| 19 MR. GOODMAN: Objection to                    | 19 payment.                                      | 19 payment.                                      |
| 20 form.  | 20 Q. Let me rephrase the question.              | 20 Q. Let me rephrase the question.              |
| 21 A. I don't know.                             | 21 Does the -- does the down payment             | 21 Does the -- does the down payment             |
| 22 Q. And do you review the sales               | 22 happen toward the end of the process of the   | 22 happen toward the end of the process of the   |
| 23 worksheet at any point during the sales or   | 23 sale and financing of the vehicle?            | 23 sale and financing of the vehicle?            |
| 24 financing of a vehicle?                      | 24 A. I don't know. It's not a specific          | 24 A. I don't know. It's not a specific          |
| 25 A. No.                                       | 25 time for you to make down payment. You have   | 25 time for you to make down payment. You have   |
| Page 198  |  | Page 200   |
| 1 Yessica K. Vallejo                            | 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                             |
| 2 Q. And, sorry, I know I am having you         | 2 to pay before you leave, that's for sure.      | 2 to pay before you leave, that's for sure.      |
| 3 hop around this document, but if you could    | 3 Q. Sure, sure. So if this down                 | 3 Q. Sure, sure. So if this down                 |
| 4 turn back to pages Defendant's 3, please.     | 4 payment was made at 8:04 p.m. on May 30th,     | 4 payment was made at 8:04 p.m. on May 30th,     |
| 5 It's the one that says "receipt" in the upper | 5 would it be reasonable to assume that          | 5 would it be reasonable to assume that          |
| 6 right-hand corner.                            | 6 Mr. LaForest didn't leave with the vehicle     | 6 Mr. LaForest didn't leave with the vehicle     |
| 7 MR. GOODMAN: The third page                   | 7 before 8:04 p.m.?                              | 7 before 8:04 p.m.?                              |
| 8 of the deal jacket?                           | 8 MR. GOODMAN: Object to                         | 8 MR. GOODMAN: Object to                         |
| 9 MS. CATERINE: Yeah, the                       | 9 form.  | 9 form.  |
| 10 third page of the deal jacket.               | 10 A. I don't know.                              | 10 A. I don't know.                              |
| 11 Sorry.                                       | 11 Q. And Stavros Orsaris testified that         | 11 Q. And Stavros Orsaris testified that         |
| 12 A. Uh-huh, okay.                             | 12 he took the down payment, and that the reason | 12 he took the down payment, and that the reason |
| 13 Q. What is this document?                    | 13 why there was this \$400 discrepancy is that  | 13 why there was this \$400 discrepancy is that  |
| 14 A. This is a receipt.                        | 14 another employee took the \$400 from Mr.      | 14 another employee took the \$400 from Mr.      |
| 15 Q. A receipt for what?                       | 15 LaForest, and forgot to account for it, such  | 15 LaForest, and forgot to account for it, such  |
| 16 A. For down payment.                         | 16 as by printing a receipt. Does that sound     | 16 as by printing a receipt. Does that sound     |
| 17 Q. And why is this receipt for \$8,600,      | 17 accurate?                                     | 17 accurate?                                     |
| 18 when the down payment was listed as \$9,000? | 18 MR. GOODMAN: Object to the                    | 18 MR. GOODMAN: Object to the                    |
| 19 MR. GOODMAN: Objection to                    | 19 form. Inaccurate                              | 19 form. Inaccurate                              |
| 20 the form.                                    | 20 mischaracterization. Go ahead.                | 20 mischaracterization. Go ahead.                |
| 21 A. I don't know.                             | 21 A. I don't know.                              | 21 A. I don't know.                              |
| 22 Q. And why is the customer listed as         | 22 Q. Okay. And if there was an                  | 22 Q. Okay. And if there was an                  |
| 23 Emanuel LaForest, when this down payment was | 23 additional \$400 down payment, you would not  | 23 additional \$400 down payment, you would not  |
| 24 made for the purchase and financing of a     | 24 have been the one to take that down payment,  | 24 have been the one to take that down payment,  |
| 25 vehicle by Farah Jean Francois?              | 25 because I think you testified earlier, that   | 25 because I think you testified earlier, that   |

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|    | Page 201                                      | Page 203                                      |
|----|---|---|
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                            |
| 2  | it's the sale managers who took the down      | applications provided for this account; is    |
| 3  | payments; is that correct?                    | that correct?                                 |
| 4  | A. That is correct. I don't take down         | A. Correct.                                   |
| 5  | payments.                                     | Q. Okay. And if you could turn to the         |
| 6  | Q. Okay.                                      | next page, please, Bates-stamped Defendant's  |
| 7  | MR. GOODMAN: Give me thirty                   | 85.   |
| 8  | seconds. I will be right back.                | A. Uh-huh, there.                             |
| 9  | Stay on.                                      | Q. Why is Emanuel LaForest not listed         |
| 10 | Okay, sorry about that.                       | here as a co-buyer?                           |
| 11 | MS. CATERINE: That's all                      | MR. GOODMAN: Object to                        |
| 12 | right.  | form.   |
| 13 | Q. You could take a look at Exhibit           | A. He did not purchase a vehicle.             |
| 14 | 23, Bates-stamped Defendant's 85 to 92. It's  | Farah Francois purchased a vehicle. That's    |
| 15 | screenshots. And take as long as you need to  | why she is the only one listed in here.       |
| 16 | look at these different screenshots, but what | Q. Well, I understand the financing is        |
| 17 | are these screenshots of?                     | in Ms. Francois' name, but the receipt we     |
| 18 | A. That's the DMS. It's pictures of           | looked at for the down payment was in Mr.     |
| 19 | the DMS screen.                               | LaForest's name. So even when he provides     |
| 20 | Q. Okay. And when you open DMS up in          | the down payment, he is not going to be       |
| 21 | Dealer Track, on your computer, is this what  | listed as a co-buyer?                         |
| 22 | the screen would look like?                   | MR. GOODMAN: Object to the                    |
| 23 | A. When you -- you go into a deal,            | form.   |
| 24 | yes.  | A. No, he could have gave his family          |
| 25 | Q. And so these screens are going into        | member the money to buy a car.                |
|    | Page 202                                      | Page 204                                      |
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                            |
| 2  | the deal for Farah screen Francois; is that   | Q. Okay. And do you see here where it         |
| 3  | correct?                                      | says, "5/30," and then there are a bunch      |
| 4  | A. That's what it says in the                 | 4 asterisks?                                  |
| 5  | pictures.                                     | A. Yes.                                       |
| 6  | Q. Sure. And on page Bates-stamped            | Q. What does that refer to?                   |
| 7  | Defendant's 86, it's the second of the        | A. That's her date of birth, 5/30.            |
| 8  | screenshots, do you see where it says, "F and | Q. So it's referring to her date of           |
| 9  | I manager," and it says, "A31"?               | 9 birth?                                      |
| 10 | A. Yes, I see.                                | A. Correct.                                   |
| 11 | Q. And that's referring to you,               | Q. Why doesn't it list the year?              |
| 12 | correct?                                      | A. We not allowed to see that                 |
| 13 | A. Correct.                                   | information. The deal is capped so nobody     |
| 14 | Q. And does that indicate that the            | can go and look at her information again.     |
| 15 | credit applications made for this account     | It's protected.                               |
| 16 | were made by you?                             | Q. I see. So the asterisks are                |
| 17 | A. That explain that I am the finance         | redacting the year in her birth date; is that |
| 18 | manager in the deal, so I work the deal.      | correct?                                      |
| 19 | Q. And so since you work the deal, you        | A. Yes.                                       |
| 20 | would have made the credit application; is    | Q. And below that it says, "function,         |
| 21 | that correct?                                 | asterisk," and then there's a little box      |
| 22 | A. I don't make credit applications.          | there. What is that?                          |
| 23 | I submit the credit application that the      | A. I don't know.                              |
| 24 | customer provides signed and dated.           | Q. Okay. Could you go to the screen           |
| 25 | Q. Sure. So you submitted the credit          | with the Bates stamp Defendant's 89, please.  |

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|    |  | Page 205 | Page 207                                      |
|----|--|----------|---|
| 1  | Yessica K. Vallejo                           | 1        | Yessica K. Vallejo                            |
| 2  | MR. GOODMAN: No, it's in...                  | 2        | Q. And why is there no date next to           |
| 3  | MR. KESHAVARZ: What's the                    | 3        | the signature on the bottom of Defendant's    |
| 4  | exhibit number?                              | 4        | 19?   |
| 5  | MS. CATERINE: This is                        | 5        | MR. GOODMAN: Object to                        |
| 6  | Exhibit 23.                                  | 6        | form.   |
| 7  | MR. KESHAVARZ: Thank you.                    | 7        | A. I don't know.                              |
| 8  | MR. GOODMAN: Let me see.                     | 8        | Q. And if you could turn to                   |
| 9  | Yeah, that's the one.                        | 9        | Defendant's 21, the page with the table       |
| 10 | A. Okay.                                     | 10       | labeled "dealer section."                     |
| 11 | Q. Who would fill out the fields on          | 11       | A. Uh-huh. Okay.                              |
| 12 | this screen?                                 | 12       | Q. Who would have filled out this             |
| 13 | A. The finance manager.                      | 13       | dealer section?                               |
| 14 | Q. And so that would be you, correct,        | 14       | A. Me.  |
| 15 | for this deal?                               | 15       | Q. And would you fill this out after          |
| 16 | A. Correct.                                  | 16       | the signatures on page Defendant's 19?        |
| 17 | Q. And so why did you put "999" for          | 17       | A. No.  |
| 18 | the "salesperson"?                           | 18       | Q. You would have filled it out before        |
| 19 | A. I only put my name on it. I don't         | 19       | it had been signed; is that correct?          |
| 20 | fill out the "salesperson" part.             | 20       | A. It's filled out with -- when you           |
| 21 | Q. I see. Who would have filled out          | 21       | submitting the deal to the bank.              |
| 22 | the salesperson part?                        | 22       | Q. And is that before or after the            |
| 23 | A. Sales manager.                            | 23       | signatures on Defendant's 19?                 |
| 24 | Q. Okay. Do any of these screens --          | 24       | MR. GOODMAN: Object to                        |
| 25 | and please take your time looking at all of  | 25       | form.   |
|    |  | Page 206 | Page 208                                      |
| 1  | Yessica K. Vallejo                           | 1        | Yessica K. Vallejo                            |
| 2  | them -- do any of these screens show that    | 2        | A. You submit deal and then customer          |
| 3  | anyone of Victory Mitsubishi worked on the   | 3        | signs the credit application from Dealer      |
| 4  | sale and financing of this vehicle, other    | 4        | Track. The first credit application they      |
| 5  | than you?                                    | 5        | sign is their handwritten credit application, |
| 6  | MR. GOODMAN: Object to the                   | 6        | which you already have the file.              |
| 7  | form.  | 7        | Q. Uh-huh.                                    |
| 8  | A. (Witness peruses exhibit.)                | 8        | A. This is what we submitted to the           |
| 9  | MR. GOODMAN: Could you,                      | 9        | bank, which the customer has to sign again.   |
| 10 | Ms. Reporter, read back the                  | 10       | Q. So if I understand you correctly,          |
| 11 | question, please.                            | 11       | this was submitted to Capital One, and then   |
| 12 | (Whereupon, the requested                    | 12       | it was signed on June 29th; is that correct?  |
| 13 | portion was read by the reporter.)           | 13       | MR. GOODMAN: Object to                        |
| 14 | THE WITNESS: No, it doesn't                  | 14       | form.   |
| 15 | show. It doesn't show my name                | 15       | A. Yes. She either signed the 29th or         |
| 16 | either.                                      | 16       | she signed the 30th. But I believe she        |
| 17 | Q. But "A31" refers to you, correct?         | 17       | signed on the 29th because that was the last  |
| 18 | A. That's my employer ID number,             | 18       | one that we send to the bank.                 |
| 19 | correct.                                     | 19       | Q. And is there anything on this page         |
| 20 | Q. And if you could turn back to the         | 20       | that indicates that it was signed on June     |
| 21 | deal jacket and look at pages Defendant's 19 | 21       | 29th?   |
| 22 | through 21.                                  | 22       | MR. GOODMAN: Object to the                    |
| 23 | A. Okay.                                     | 23       | form; go ahead.                               |
| 24 | Q. And what are pages 19 through 21?         | 24       | By "this form," you are                       |
| 25 | A. Credit application.                       | 25       | referring to Defendant's 19 and 20?           |

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|    | Page 209                                      | Page 211  |
|----|---|---|
| 1  | Yessica K. Vallejo                            | 1 Yessica K. Vallejo                              |
| 2  | MS. CATERINE: You read my                     | 2 A. That is correct.                             |
| 3  | mind, I was about to clarify,                 | 3 Q. And do lenders provide more                  |
| 4  | anything on Defendant's 19 through            | 4 favorable lending terms if the time at an       |
| 5  | 21.   | 5 address is longer?                              |
| 6  | MR. GOODMAN: Oh, and 21,                      | 6 MR. GOODMAN: Object to                          |
| 7  | okay.   | 7 form.   |
| 8  | A. You can see on the approval that           | 8 A. I don't know. I am not a lender.             |
| 9  | it's from the 29th. So she signed it on the   | 9 Q. Okay. And there's a work phone               |
| 10 | 29th because that's where all paperwork was   | 10 number here listed for the employer. Did       |
| 11 | signed.                                       | 11 anyone at Victory Mitsubishi call this         |
| 12 | Q. So based on previous documents we          | 12 number?  |
| 13 | had looked at that showed an approval date of | 13 A. We don't verify employment. We are          |
| 14 | June 29th, you are assuming that this was     | 14 not lenders.                                   |
| 15 | signed on June 29th; is that right?           | 15 Q. Okay. And an increase in the                |
| 16 | A. Correct.                                   | 16 income in a credit application, such as the    |
| 17 | Q. Okay. And going back to                    | 17 increase here from \$41,000 to \$65,000, could |
| 18 | Defendant's 19, do you know why the salary on | 18 result in better terms from the lender; is     |
| 19 | this application is \$65,000, but the salary  | 19 that correct?                                  |
| 20 | in the May application is lower?              | 20 MR. GOODMAN: Object to                         |
| 21 | MR. GOODMAN: Object to                        | 21 form.  |
| 22 | form.   | 22 A. I don't know. I am not a lender.            |
| 23 | A. That was what the customer stated.         | 23 Q. Based on your review of the                 |
| 24 | She probably state that it was a change in    | 24 documents in Exhibit 29, the various credit    |
| 25 | her salary. She got a salary or whatsoever.   | 25 approvals and denials, are better terms        |
|    | Page 210                                      | Page 212  |
| 1  | Yessica K. Vallejo                            | 1 Yessica K. Vallejo                              |
| 2  | Q. Okay. And when a customer tells            | 2 offered in the June 29th approvals than in      |
| 3  | you that they have received a raise, do you   | 3 the May 30th approvals? And take your time      |
| 4  | ask for any verification of that information, | 4 to look at them.                                |
| 5  | such as a pay stub?                           | 5 A. I am not a lender to analyze credit          |
| 6  | A. If the bank is not asking for pay          | 6 approvals. That's something that is not -- I    |
| 7  | stub, I don't ask for pay stub.               | 7 can't talk on it because I am not a financial   |
| 8  | Q. Okay. And do you know why the time         | 8 institution or a lending institution.           |
| 9  | at the residence changed on this application  | 9 Q. Do you ever advise customers on              |
| 10 | from the previous application?                | 10 what terms would be better for a deal?         |
| 11 | A. The customer says that's the time          | 11 A. No.   |
| 12 | she was living there.                         | 12 Q. And so you have no idea if the              |
| 13 | Q. Do you have any questions about why        | 13 approvals on June 29th would have better       |
| 14 | it changed from, I believe, seven years in    | 14 terms than the approvals on May 30th, from     |
| 15 | May, to ten years in June?                    | 15 Capital One?                                   |
| 16 | A. I didn't have any reason to                | 16 MR. GOODMAN: Object to                         |
| 17 | question the customer.                        | 17 form.  |
| 18 | Q. Why does the credit application ask        | 18 A. I inform the customer the terms.            |
| 19 | for residence information?                    | 19 The customer makes their final decision. I     |
| 20 | MR. GOODMAN: Object to                        | 20 don't advise customers.                        |
| 21 | form.   | 21 Q. Why was Mr. LaForest not on the             |
| 22 | A. I don't know. I am not a lender.           | 22 June credit application, when he was on the    |
| 23 | Q. So your credit application is based        | 23 May 30th application?                          |
| 24 | on information that the lenders are           | 24 MR. GOODMAN: Objection; go                     |
| 25 | requesting; is that correct?                  | 25 ahead.   |

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|    | Page 213                                      | Page 215                                      |
|----|---|---|
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                            |
| 2  | A. He was not on the May 30                   | I am not lender.                              |
| 3  | application. The loan was always done under   | Q. I -- sure, I understand that. But          |
| 4  | Ms. Francois's name. I don't see that.        | what I am asking, specifically, is, have you  |
| 5  | Where do you see that? I am sorry.            | ever seen guidelines from a lender            |
| 6  | Q. Defendant's 2, in the deal jacket.         | referencing the income of an applicant?       |
| 7  | A. Oh, you are talking about the              | A. Yes.                                       |
| 8  | handwritten credit application?               | Q. Okay. And those guidelines would           |
| 9  | MR. GOODMAN: Correct.                         | be referencing a minimum income for           |
| 10 | Q. Yes.                                       | applicants; is that correct?                  |
| 11 | A. Yes. Like I said before, the deal          | MR. GOODMAN: Objection to                     |
| 12 | was submitted under Ms. Francois's name only, | form.   |
| 13 | as customer request. If the customer request  | A. No, that's incorrect.                      |
| 14 | to do the deal under one particular person,   | Q. Okay, could you explain to me what         |
| 15 | that's customer discretion. I can't comment   | those guidelines would be?                    |
| 16 | or ask questions about it.                    | MR. GOODMAN: Objection.                       |
| 17 | Q. No, I know you testified that you          | Go ahead.                                     |
| 18 | don't advise consumers as to the terms of     | A. The lender will ask for customer           |
| 19 | financing. But you testified that different   | proof of income, and then we ask the          |
| 20 | lenders have different guidelines for         | customer, and then we send it to the lender.  |
| 21 | applications; is that correct?                | That's it.                                    |
| 22 | A. Yes, every lender have their own           | Q. Could you turn to Defendant's 33,          |
| 23 | guidelines.                                   | please, in the deal jacket. It's titled       |
| 24 | Q. Do any lenders have guidelines as          | "retail certificate of sale receipt," and the |
| 25 | to income?                                    | section with the "dealer signature," is that  |
|    | Page 214                                      | Page 216                                      |
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                            |
| 2  | MR. GOODMAN: Objection to                     | your signature?                               |
| 3  | form.   | A. Yes.                                       |
| 4  | A. I don't understand your question.          | Q. Okay. If you can turn to                   |
| 5  | Q. Do any -- we're talking about the          | Defendant's 16 in the dealer jacket, please.  |
| 6  | guidelines of lenders. Are any of those       | A. Uh-huh, okay.                              |
| 7  | guidelines in reference to the income of      | Q. And this is the buyer's order,             |
| 8  | applicants?                                   | correct?                                      |
| 9  | A. I am not a lender. I cannot answer         | A. Bill of sales.                             |
| 10 | you that. I don't know.                       | Q. Bill of sales, excuse me. And your         |
| 11 | Q. You are not -- I thought you were          | name is listed on this bill of sales because  |
| 12 | -- you were familiar with the guidelines that | you were the finance manager for this         |
| 13 | some lenders require, such as credit scores.  | transaction; is that correct?                 |
| 14 | A. Every lender --                            | A. That is correct.                           |
| 15 | MR. GOODMAN: Objection,                       | Q. And the sales rep here appears to          |
| 16 | objection. That's not even a                  | be "sales house rep." Who does that appear    |
| 17 | question, but go ahead.                       | to be -- refer to?                            |
| 18 | A. Every lender have their guidelines.        | A. I don't know.                              |
| 19 | We submit the application, you get            | Q. Who would generate this document?          |
| 20 | stipulation. We ask the customer for what     | A. Deal Tracker.                              |
| 21 | the lender is asking for, but I am not a      | Q. Sure. But who would use Deal               |
| 22 | lender, so I cannot tell you how the lender   | Tracker to generate this document?            |
| 23 | -- what the lender based everything to        | A. Me.  |
| 24 | approve or deny the customer. I can't tell    | Q. So why did you put "house sales            |
| 25 | you because I am in a financial institution.  | rep"?   |

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|--|--|--|
| 1 Yessica K. Vallejo                             |  | 1 Yessica K. Vallejo                             |
| 2 A. I didn't put "house sales rep" in           |  | 2 person?  |
| 3 there.   |  | 3 Q. Are these signatures all for the            |
| 4 Q. Okay.                                       |  | 4 same person?                                   |
| 5 A. I told you before, I don't put the          |  | 5 A. Yes, the customer signed her                |
| 6 salesperson. I only put my name on it.         |  | 6 contract.                                      |
| 7 Q. Okay. And so who would have put in          |  | 7 Q. And do you know -- do you notice            |
| 8 the salesperson?                               |  | 8 how the "F" that begins the signature looks    |
| 9 A. I don't know. Sales managers.               |  | 9 different in each version of the signature?    |
| 10 Stavros, not me.                              |  | 10 MR. GOODMAN: Object to the                    |
| 11 Q. Okay. If David Perez was the sales         |  | 11 form.   |
| 12 manager for this transaction, why wouldn't he |  | 12 A. No, I am not handwriting expert. I         |
| 13 be listed as the salesman?                    |  | 13 wouldn't know.                                |
| 14 MR. GOODMAN: Object to                        |  | 14 Q. Sure. I am not asking you to --            |
| 15 form.   |  | 15 for your -- for any expert opinion. But in    |
| 16 A. I don't know.                              |  | 16 your opinion, do the signatures look the same |
| 17 Q. If you could turn to Defendant's 4         |  | 17 or different?                                 |
| 18 through 9 in the deal jacket, please. And     |  | 18 MR. GOODMAN: That is asking                   |
| 19 after you take a look, if you could tell me   |  | 19 her expert opinion. Object to the             |
| 20 what this document is.                        |  | 20 form of the question. You can                 |
| 21 A. That's a retail installment                |  | 21 answer.                                       |
| 22 contract.                                     |  | 22 A. I am not handwriting expert. I             |
| 23 Q. And who signed this contract on            |  | 23 wouldn't know. I cannot give you my opinion   |
| 24 Defendant's 4?                                |  | 24 on something that I have no knowledge of.     |
| 25 A. The customer.                              |  | 25 Q. You don't have any opinion about           |
| Page 218   |  | Page 220   |
| 1 Yessica K. Vallejo                             |  | 1 Yessica K. Vallejo                             |
| 2 Q. And there are signatures on                 |  | 2 whether the signatures look the same or        |
| 3 Defendant's 4, Defendant's 5, Defendant's 6,   |  | 3 different?                                     |
| 4 Defendant's 7, Defendant's 8, and those are    |  | 4 MR. GOODMAN: Objection to                      |
| 5 all for the same person, correct?              |  | 5 form. Asked and answered.                      |
| 6 A. I signed --                                 |  | 6 A. No, I do not have any opinion about         |
| 7 MR. GOODMAN: Object to the                     |  | 7 that.  |
| 8 form. Let me say my objection.                 |  | 8 Q. Okay. And going back to the last            |
| 9 Go ahead.                                      |  | 9 page Bates-stamped Defendant's 9, I think you  |
| 10 A. I signed the last page as the              |  | 10 already said those are your signatures there; |
| 11 "finance manager." Page number six.           |  | 11 is that correct?                              |
| 12 MR. GOODMAN: Page number                      |  | 12 A. Not all the signatures on the page.        |
| 13 nine?   |  | 13 Q. Sure, of course.                           |
| 14 MS. CATERINE: I think she                     |  | 14 A. Only the "dealer" section in the           |
| 15 is referring to it being the sixth            |  | 15 bottom.                                       |
| 16 page of the document.                         |  | 16 Q. And there's -- there's two sets of         |
| 17 Q. Is that correct, Ms. Vallejo?              |  | 17 signatures. Trying to think of -- this is     |
| 18 A. Yeah, that's correct.                      |  | 18 one of those situations where it would be     |
| 19 Q. But in the previous pages of the           |  | 19 easier if we were in person.                  |
| 20 document, those signatures are all for the    |  | 20 The signatures next to "title" --             |
| 21 same person; is that correct?                 |  | 21 you see what I am referring to, to the right  |
| 22 A. I don't understand your question.          |  | 22 of "title"?                                   |
| 23 You asking me, what, who signed the contract? |  | 23 A. Yeah. That's not a signature.              |
| 24 MR. GOODMAN: Listen to the                    |  | 24 That's "F and I."                             |
| 25 question. Are they the same                   |  | 25 Q. I see. And you wrote that as well?         |

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| Page 221 |   | Page 223 |  |
|----------|---|----------|--|
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                           |
| 2        | A. Yeah.                                      | 2        | them a copy of the contract like this,       |
| 3        | MR. GOODMAN: Where?                           | 3        | without any signatures, or would you give    |
| 4        | THE WITNESS: "F and I,"                       | 4        | them a copy with signatures?                 |
| 5        | "finance and insurance manager."              | 5        | A. Absolutely not. I give them the           |
| 6        | MR. GOODMAN: "F and I,"                       | 6        | copies with their signature. The contract    |
| 7        | okay. Okay.                                   | 7        | they signed. If they ask me for the contract |
| 8        | Q. I see. And the date there next to          | 8        | -- and, anyways, every customer, they leave  |
| 9        | your signature of 6/29/20, you wrote that,    | 9        | with their copies. They -- the day they      |
| 10       | correct?                                      | 10       | purchase, we prepare folder with every       |
| 11       | MR. GOODMAN: Object to                        | 11       | document they sign, and we hand them to the  |
| 12       | form.   | 12       | customer. If they come back asking for       |
| 13       | A. I believe so, yeah.                        | 13       | copies again, we give them same copies they  |
| 14       | Q. And did you write it in, the date,         | 14       | signed, of course.                           |
| 15       | above that also, 6/29/20?                     | 15       | Q. And this unsigned contract that we        |
| 16       | A. Yeah.                                      | 16       | were looking at was given to Ms. Francois on |
| 17       | Q. And why did you write in the date          | 17       | September of 2020. Do you know why she was   |
| 18       | next to the signature of Farah Jean Francois? | 18       | given this version of the contract?          |
| 19       | A. Because she didn't date it.                | 19       | MR. GOODMAN: Object to the                   |
| 20       | Q. Okay. And if you could take a look         | 20       | form.  |
| 21       | at what is going to be marked Exhibit 42, and | 21       | A. I don't know. It wasn't given by          |
| 22       | this is Bates-stamped Francois 4 through 9.   | 22       | me. That's for sure.                         |
| 23       | MR. GOODMAN: Do you have a                    | 23       | Q. And going back to the deal jacket,        |
| 24       | copy there? You can use this one.             | 24       | you could turn to page 33, please. Oh, no,   |
| 25       | A. I am listening.                            | 25       | sorry. We already looked at that one. Never  |
| Page 222 |   | Page 224 |  |
| 1        | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                           |
| 2        | Q. And what is this document?                 | 2        | mind.  |
| 3        | A. It's retail installment contract.          | 3        | Defendant's 29 through 30, excuse            |
| 4        | Q. How is this contract different than        | 4        | me.  |
| 5        | the one that we just looked at?               | 5        | A. I am listening.                           |
| 6        | MR. GOODMAN: Object to                        | 6        | Q. What are the documents on                 |
| 7        | form; go ahead.                               | 7        | Defendant's 29 and 30?                       |
| 8        | A. The contract, per se, is not               | 8        | A. Vehicle registration, title,              |
| 9        | different. If you compare the numbers, it's   | 9        | application form.                            |
| 10       | the same exact numbers.                       | 10       | Q. And the signature on Defendant's 29       |
| 11       | Q. Okay, is there anything that's             | 11       | under "New York dealers only," is that your  |
| 12       | different between the two contracts?          | 12       | signature?                                   |
| 13       | A. This contract is not signed. It's          | 13       | A. Yeah.                                     |
| 14       | review copy that we give every customer to    | 14       | Q. And in Section 1 of this document         |
| 15       | review, to sign, before they sign the final   | 15       | where it says, "information, like name of    |
| 16       | contract.                                     | 16       | primary registrant," would you have filled   |
| 17       | Q. I see. And if you turn to the last         | 17       | out this information before it was printed?  |
| 18       | page, Francois 9, the dates here are typed in | 18       | A. This is the information that we put       |
| 19       | rather than handwritten. Why is that?         | 19       | in the system, what we loading the deal. So  |
| 20       | A. I don't know. Maybe the system             | 20       | this information is used to print every      |
| 21       | wasn't printing the date. Sometimes happens.  | 21       | specific document. Everything is going to    |
| 22       | Q. Okay. And if a customer came into          | 22       | populate from the same information.          |
| 23       | the dealership after the sale and purchase of | 23       | Q. Okay. So you put the information          |
| 24       | a vehicle, and they said, "I want a copy of   | 24       | into Deal Tracker, and then you press a      |
| 25       | the contract that I signed," would you give   | 25       | button that says, you know, "print vehicle   |

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| Page 225                                       |  | Page 227   |
|--|--|--|
| 1 Yessica K. Vallejo                           | 2 registration"? Is it something like that?    | 1 Yessica K. Vallejo                             |
| 3 MR. GOODMAN: Object to                       | 4 form.  | 2 that e-mail is there, it's because it was      |
| 5 A. Yeah. Yes.                                | 6 Q. Okay. And if you could turn to            | 3 provided by her because the other e-mail we    |
| 7 Defendant's 13, please. And what is this     | 8 document?                                    | 4 have is her brother's or family member         |
| 9 A. Service contract.                         | 10 Q. And who would fill out the service       | 5 e-mail.  |
| 11 contract?                                   | 12 A. Me.                                      | 6 Q. And did anyone at Victory                   |
| 13 Q. And is that your signature at the        | 14 bottom above "seller's representative       | 7 Mitsubishi attempt to e-mail this Farah        |
| 15 signature"?                                 | 16 A. Yes.                                     | 8 Francois e-mail address?                       |
| 17 Q. And at the top there's handwritten       | 18 "3385, slash, 1757." Was that written by    | 9 MR. GOODMAN: Objection to                      |
| 19 you?  | 20 A. No.                                      | 10 form.   |
| 21 Q. Who wrote that?                          | 22 A. I don't know.                            | 11 A. I don't know.                              |
| 23 Q. Okay. And 3385 is the stock              | 24 number, correct?                            | 12 Q. Did the service contract for this          |
| 25 A. Correct.                                 |  | 13 vehicle actually get purchased?               |
| Page 226                                       |  | Page 228   |
| 1 Yessica K. Vallejo                           | 2 Q. And what is "1757"?                       | 1 Yessica K. Vallejo                             |
| 3 A. I don't know.                             | 4 Q. Okay. And is this a document like         | 2 A. No, no breaks.                              |
| 5 what you were talking about earlier, where   | 6 you would just generate it using Deal        | 3 Q. When a deal is unwound, the amount          |
| 7 Tracker, or would you fill in each of the    | 8 individual fields for this document?         | 4 of the vehicle service contract would be       |
| 9 A. Yes.                                      | 10 MR. GOODMAN: Which one?                     | 5 refunded, correct?                             |
| 11 THE WITNESS: What?                          | 12 MR. GOODMAN: Does it fill                   | 6 MR. GOODMAN: Objection to                      |
| 13 in -- does it populate                      | 14 automatically, or do you fill it in         | 7 form.  |
| 15 yourself?                                   | 16 THE WITNESS: It populates                   | 8 A. That is correct.                            |
| 17 automatically from the information          | 18 that's on Deal Tracker.                     | 9 Q. And do you know if the amount for           |
| 19 Q. Okay. If that's the case, why is         | 20 the e-mail address different here than from | 10 this vehicle service contract was refunded?   |
| 21 the other documents?                        | 22 A. That e-mail was provided by the          | 11 MR. GOODMAN: Objection to                     |
| 23 customer. Not everything is populated from  | 24 Dealer Track. Some information, it is. Some | 12 form.   |
| 25 is not. So we have to type it sometimes. If |  | 13 A. I wouldn't know.                           |
|  |  | 14 Q. And if it was refunded, that               |
|  |  | 15 payment would be made to Farah Jean Francois, |
|  |  | 16 correct?                                      |
|  |  | 17 MR. GOODMAN: Objection to                     |
|  |  | 18 form.   |
|  |  | 19 A. No.  |
|  |  | 20 Q. Who would that payment get made to?        |
|  |  | 21 A. To the lending institution that            |
|  |  | 22 lend the money to purchase the service        |
|  |  | 23 contract.                                     |
|  |  | 24 Q. So in this case, that would be             |
|  |  | 25 Capital One?                                  |

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|    | Page 229                                      | Page 231  |
|----|---|---|
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                              |
| 2  | A. That is correct.                           | Q. Do you know if Capital One has               |
| 3  | Q. And could you take a look at the           | 3 asked Victory Mitsubishi about unwinding the  |
| 4  | document previously marked Exhibit 32, a      | 4 deal in this case?                            |
| 5  | single page Bates-stamped subpoena responses  | 5 A. I don't know.                              |
| 6  | 326, COAF, Francois 132.                      | 6 Q. And if you could take a look at            |
| 7  | A. Defendant 32?                              | 7 what was previously marked Exhibit 33,        |
| 8  | Q. No, sorry, subpoena responses 326,         | 8 Bates-stamped subpoena responses 485 to 489.  |
| 9  | and it's a single page.                       | 9 MR. GOODMAN: Right here.                      |
| 10 | MR. GOODMAN: Okay, let's                      | 10 MS. CATERINE: It's the                       |
| 11 | see. Here it is.                              | 11 spreadsheet.                                 |
| 12 | MS. CATERINE: At the top it                   | 12 A. Okay.                                     |
| 13 | says, "Titan account numbers."                | 13 Q. And prior to preparation for your         |
| 14 | A. Okay.                                      | 14 deposition today, have you ever seen a       |
| 15 | Q. And prior to your preparation for          | 15 document the same or similar to this         |
| 16 | this deposition today, have you ever seen     | 16 spreadsheet listing complaints against the   |
| 17 | this document?                                | 17 Victory Mitsubishi dealership?               |
| 18 | MR. GOODMAN: Object to                        | 18 MR. GOODMAN: Object to the                   |
| 19 | form.   | 19 form of that question.                       |
| 20 | A. No.  | 20 A. No.                                       |
| 21 | Q. And could you take a second to read        | 21 Q. And if you could turn to the page         |
| 22 | the "narrative" section to yourself and let   | 22 Bates-stamped subpoena responses 488.        |
| 23 | me know when you are finished.                | 23 A. Okay.                                     |
| 24 | A. Okay.                                      | 24 Q. And three entries from the bottom         |
| 25 | Q. Were you aware, prior to your              | 25 there's a complaint which begins, "customer  |
|    | Page 230                                      | Page 232  |
| 1  | Yessica K. Vallejo                            | Yessica K. Vallejo                              |
| 2  | preparation for this deposition today, that   | daughter is upset that" -- you see that?        |
| 3  | Capital One had investigated identity theft   | 3 A. I see that.                                |
| 4  | in relation to this transaction?              | 4 Q. And are you familiar with any              |
| 5  | MR. GOODMAN: Object to the                    | 5 complaint made to Victory Mitsubishi about a  |
| 6  | form. Assumes things.                         | 6 vehicle being put in the name of a customer's |
| 7  | A. No.  | 7 mother rather than their name?                |
| 8  | Q. And do you see where it lists the          | 8 MR. GOODMAN: Object to the                    |
| 9  | suspect's date of birth as February 18, 1982? | 9 form; go ahead.                               |
| 10 | A. I can see that, yes.                       | 10 A. No.                                       |
| 11 | Q. And do you know anyone with the            | 11 Q. And looking at the other complaints       |
| 12 | date of birth February 18, 1982?              | 12 listed here, are you familiar with any of    |
| 13 | A. No.  | 13 these complaints, based on the descriptions  |
| 14 | Q. Okay. Did you speak with any of            | 14 provided?                                    |
| 15 | the law enforcement officers listed under the | 15 A. No.                                       |
| 16 | "law enforcement" section on this page;       | 16 Q. And are you aware of Mitsubishi           |
| 17 | specifically, Officer Adam Simmons or Officer | 17 Motors ever contacting Victory Mitsubishi    |
| 18 | Jack Murray?                                  | 18 about a customer complaint?                  |
| 19 | A. No.  | 19 MR. GOODMAN: Object to                       |
| 20 | Q. And at the end of the narrative            | 20 form.  |
| 21 | section, it says, "Capital One Auto Finance   | 21 A. No. I don't handle complaints.            |
| 22 | has begun efforts to recover the funds on the | 22 Q. You know how Chris Orsaris and            |
| 23 | loan." What is that referring to?             | 23 Stavros Orsaris are related?                 |
| 24 | A. I don't know. You will have to ask         | 24 A. Chris Orsaris is Stavros Orsaris          |
| 25 | the person that wrote the narrative.          | 25 father.                                      |

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| Page 233   |  | Page 235 |
|--|--|----------|
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                           | Page 235 |
| 2 Q. And are there any other employees           | 2 happened.                                    |          |
| 3 of Victory Mitsubishi who are father and son?  | 3 MR. GOODMAN: Just answer                     |          |
| 4 A. Yes.  | 4 the question that's asked, okay?             |          |
| 5 Q. Who else?                                   | 5 THE WITNESS: I will.                         |          |
| 6 A. Stavros has a brother that works            | 6 Q. Have you, at any time, tried to           |          |
| 7 there.   | 7 contact Ms. Francois?                        |          |
| 8 Q. And what's that brother's name?             | 8 A. No.                                       |          |
| 9 A. Chris Orsaris, Junior.                      | 9 Q. Did you do anything wrong in how          |          |
| 10 Q. And what does he do at Victory             | 10 you processed the sale and financing of the |          |
| 11 Mitsubishi?                                   | 11 vehicle to Ms. Francois?                    |          |
| 12 A. Sales manager.                             | 12 MR. GOODMAN: Objection to                   |          |
| 13 Q. And how long has he been a sales           | 13 the form. Please go ahead.                  |          |
| 14 manager?                                      | 14 A. No, I did not.                           |          |
| 15 A. Maybe a year.                              | 15 Q. And that's based on your -- the          |          |
| 16 Q. And about how tall is he?                  | 16 review of the deal jacket that you had just |          |
| 17 A. I don't know.                              | 17 mentioned?                                  |          |
| 18 Q. Is he taller than six feet tall?           | 18 MR. GOODMAN: Object to                      |          |
| 19 A. I don't know.                              | 19 form.                                       |          |
| 20 Q. When things are mailed to the              | 20 A. No.                                      |          |
| 21 Victory Mitsubishi dealership, who receives   | 21 Q. What is it based on?                     |          |
| 22 the mail?                                     | 22 A. On our procedure and our policies,       |          |
| 23 MR. GOODMAN: "Things"?                        | 23 how we treat every sale. That's what it'd   |          |
| 24 Object to form.                               | 24 based on.                                   |          |
| 25 A. I don't know. I don't receive any          | 25 Q. Okay. Do you think anyone at the         |          |
| Page 234   |  | Page 236 |
| 1 Yessica K. Vallejo                             | 1 Yessica K. Vallejo                           | Page 236 |
| 2 mail myself.                                   | 2 Victory Mitsubishi dealership did anything   |          |
| 3 Q. Okay. When did you learn about the          | 3 wrong, in regards of the sale and financing  |          |
| 4 allegations made in this lawsuit?              | 4 of the vehicle in the name of Farah Jean     |          |
| 5 A. A couple of months ago. Maybe two,          | 5 Francois?                                    |          |
| 6 three months ago. A month ago. I don't         | 6 MR. GOODMAN: Objection to                    |          |
| 7 recall.  | 7 the form.                                    |          |
| 8 Q. Okay. And after learning of the             | 8 A. No.                                       |          |
| 9 allegations in this lawsuit, what steps did    | 9 Q. Okay.                                     |          |
| 10 you take to determine if the allegations were | 10 MS. CATERINE: Let's take a                  |          |
| 11 true?   | 11 five-minute break and, hopefully,           |          |
| 12 MR. GOODMAN: Object to the                    | 12 we can wrap it up soon.                     |          |
| 13 form.   | 13 MR. GOODMAN: Okay, so we've                 |          |
| 14 A. I went back to the deal jacket, I          | 14 now hit seven hours. We had maybe           |          |
| 15 look at the forms, that everything was        | 15 forty-five minutes of breaks. So            |          |
| 16 signed, and everything was in order. I can't  | 16 that's it. That's the time that             |          |
| 17 tell you for a fact that when they went there | 17 we're talking about, 6:47.                  |          |
| 18 to purchase a vehicle she was there or        | 18 MS. CATERINE: I understand.                 |          |
| 19 somebody acting like her or try to imperson   | 19 I have been keeping track of the            |          |
| 20 her, but since the customer is suing the      | 20 time.                                       |          |
| 21 dealership, I am assuming it's going to be an | 21 MR. GOODMAN: Excellent. We                  |          |
| 22 investigation done. That's why we sitting     | 22 will take five minutes.                     |          |
| 23 here right now. And we are going to get to    | 23 (Whereupon, a recess was                    |          |
| 24 bottom of what happened, and, I mean,         | 24 taken at this time.)                        |          |
| 25 ultimately, the truth of what actually        | 25 BY MS. CATERINE:                            |          |

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|    |   | Page 237 | Page 239                                    |
|----|---|----------|---|
| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                          |
| 2  | Q. Ms. Vallejo, I believe you had             | 2        | like there's a brother and father           |
| 3  | talked about there being CARFAX reports in    | 3        | both named Chris Orsaris; is that           |
| 4  | deal jackets at Victory Mitsubishi; is that   | 4        | right?                                      |
| 5  | right?  | 5        | MR. GOODMAN: There's no --                  |
| 6  | A. Yes. If the customer request a             | 6        | we're not taking questions from two         |
| 7  | CARFAX, we print it and give it to them.      | 7        | attorneys.                                  |
| 8  | MR. GOODMAN: Can I have                       | 8        | Q. So how much did you make working at      |
| 9  | that pen?                                     | 9        | Victory Mitsubishi in 2021?                 |
| 10 | Q. Why is there no CARFAX report in           | 10       | MR. GOODMAN: Objection.                     |
| 11 | the deal jacket in this case?                 | 11       | Now we've crossed the line into             |
| 12 | A. Customer didn't request one.               | 12       | annoyance, embarrassment, and               |
| 13 | Q. Do you know any men who work at the        | 13       | prejudice, and I will direct the            |
| 14 | Victory Mitsubishi dealership who are 6'2" or | 14       | witness not to answer that.                 |
| 15 | taller?                                       | 15       | THE WITNESS: Why is that                    |
| 16 | MR. GOODMAN: Object to                        | 16       | relevant?                                   |
| 17 | form.   | 17       | MR. GOODMAN: Don't ask any                  |
| 18 | A. It's a lot of men working in there.        | 18       | questions. Just answer if I tell            |
| 19 | I mean, that's not sufficient to describe a   | 19       | you to.                                     |
| 20 | person. It's just -- I don't even know what   | 20       | MS. CATERINE: Can I ask why                 |
| 21 | to answer.                                    | 21       | you think it goes into that realm?          |
| 22 | Q. Well, let's just start with, do you        | 22       | MR. GOODMAN: It's her                       |
| 23 | know any men who work at the dealership who   | 23       | personal information.                       |
| 24 | are 6'2" or taller? "Yes" or "no"?            | 24       | MS. CATERINE: What's                        |
| 25 | A. I don't know. I don't know their           | 25       | personal about it?                          |
|    |   | Page 238 | Page 240                                    |
| 1  | Yessica K. Vallejo                            | 1        | Yessica K. Vallejo                          |
| 2  | height.                                       | 2        | MR. GOODMAN: Her income.                    |
| 3  | Q. Could you -- you mentioned Stavros         | 3        | MS. CATERINE: Is income                     |
| 4  | Orsaris' brother. Could you spell his name    | 4        | protected under any law or                  |
| 5  | for us, please?                               | 5        | regulation or --                            |
| 6  | A. I don't know how to spell his name.        | 6        | MR. GOODMAN: I am not here                  |
| 7  | I just know his name Chris.                   | 7        | to give answers to legal questions.         |
| 8  | Q. Chris?                                     | 8        | If you want to mark it for a                |
| 9  | MR. GOODMAN: Chris.                           | 9        | ruling, if you want to take it up           |
| 10 | Q. His name is also Chris?                    | 10       | with the Court, let's do so.                |
| 11 | MR. GOODMAN: Answer.                          | 11       | MS. CATERINE: Let's mark it                 |
| 12 | A. Yes.                                       | 12       | for the ruling. It's after hours,           |
| 13 | Q. Okay. Sorry, I am just trying to           | 13       | so we can't take it up with the             |
| 14 | -- and does anyone else related to Stavros    | 14       | Court, but please mark that for a           |
| 15 | Orsaris work at the dealership?               | 15       | ruling, Court Reporter.                     |
| 16 | A. I don't know. That's the only              | 16       | Q. And so to clarify, Stavros Orsaris       |
| 17 | person I know.                                | 17       | has both a brother and father named Chris   |
| 18 | Q. Okay.                                      | 18       | Orsaris, correct?                           |
| 19 | MR. KESHAVARZ: Sorry, so                      | 19       | MR. GOODMAN: Object to                      |
| 20 | there's a father and brother named            | 20       | form.                                       |
| 21 | Chris?  | 21       | Go ahead.                                   |
| 22 | MR. GOODMAN: Objection.                       | 22       | A. Once again, Stavros has a brother,       |
| 23 | One attorney, please. Only --                 | 23       | his name is Chris Orsaris, Junior. He works |
| 24 | MR. KESHAVARZ: I was just                     | 24       | there too.                                  |
| 25 | trying to figure it out. Sounds               | 25       | Q. Okay. Great.                             |

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|----------|-------------------------------------|-------------------------|----------|---|--|
| 1        | Yessica K. Vallejo                  |                         | 1        |   |  |
| 2        | That's all the questions I have.    |                         | 2        | C E R T I F I C A T E                         |  |
| 3        | MR. GOODMAN: Okay,                  |                         | 3        | STATE OF NEW YORK )                           |  |
| 4        | good-bye.                           |                         |          | : ss.   |  |
| 5        | Q. Thank you, Ms. Vallejo.          |                         | 4        | COUNTY OF NEW YORK )                          |  |
| 6        | A. No problem.                      |                         | 5        |   |  |
| 7        | -oOo-                               |                         | 6        | I, AYDIL M. TORRES, a Notary Public           |  |
| 8        | (Whereupon, the examination         |                         | 7        | within and for the State of New York, do      |  |
| 9        | of YESSICA K. VALLEJO was adjourned |                         | 8        | hereby certify:                               |  |
| 10       | at 6:15 p.m.)                       |                         | 9        | That YESSICA K. VALLEJO, the witness          |  |
| 11       |                                     |                         | 10       | whose deposition is hereinbefore set forth,   |  |
| 12       |                                     |                         | 11       | was duly sworn by me and that such deposition |  |
| 13       |                                     |                         | 12       | is a true record of the testimony given by    |  |
| 14       | YESSICA K. VALLEJO                  |                         | 13       | the witness.                                  |  |
| 15       |                                     |                         | 14       | I further certify that I am not               |  |
| 16       |                                     |                         | 15       | related to any of the parties to this action  |  |
| 17       | Subscribed and sworn to             |                         | 16       | by blood or marriage, and that I am in no way |  |
| 18       | before me this day                  |                         | 17       | interested in the outcome of this matter.     |  |
| 19       | of , 2022.                          |                         | 18       | IN WITNESS WHEREOF, I have hereunto           |  |
| 20       |                                     |                         | 19       | set my hand this 30th day of November, 2022.  |  |
| 21       |                                     |                         | 20       |   |  |
| 22       | NOTARY PUBLIC                       |                         | 21       | <i>Aydil m. Torres</i>                        |  |
| 23       |                                     |                         | 22       |   |  |
| 24       |                                     |                         | 23       | AYDIL M. TORRES                               |  |
| 25       |                                     |                         | 24       |   |  |
|          |                                     |                         | 25       |   |  |
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| 1        |                                     |                         | 1        |   |  |
| 2        | ----- I N D E X -----               |                         | 2        | DEPOSITION ERRATA SHEET                       |  |
| 3        |                                     |                         | 3        |   |  |
| 4        | WITNESS                             | EXAMINATION BY          | 4        | Our Assignment No. J8894063                   |  |
| 5        | YESSICA K. VALLEJO                  |                         | 5        | Case Caption: FARAH JEAN FRANCOIS vs.         |  |
| 6        | MS. CATERINE                        | 6                       | 6        | VICTORY AUTO GROUP LLC, ET AL.                |  |
| 7        |                                     |                         | 7        | DECLARATION UNDER PENALTY OF PERJURY          |  |
| 8        | ----- EXHIBITS -----                |                         | 8        | I declare under penalty of perjury            |  |
| 9        | DEFENDANT'S                         | FOR ID.                 | 9        | That I have read the entire transcript of     |  |
| 10       | EXHIBIT 40                          | Subscriber App.         | 10       | My Deposition taken in the captioned matter   |  |
| 11       | EXHIBIT 41                          | Victory Agreement       | 11       | Or the same has been read to me, and          |  |
| 12       | EXHIBIT 42                          | Unsigned Sales Contract | 12       | The same is true and accurate, save and       |  |
| 13       |                                     |                         | 13       | Except for changes and/or corrections, if     |  |
| 14       | (Exhibits retained by reporter.)    |                         | 14       | Any, as indicated by me on the DEPOSITION     |  |
| 15       | -----                               |                         | 15       | ERRATA SHEET hereof, with the understanding   |  |
| 16       |                                     |                         | 16       | That I offer these changes as if still under  |  |
| 17       |                                     |                         | 17       | Oath.   |  |
| 18       |                                     |                         | 18       | -----   |  |
| 19       |                                     |                         | 19       | YESSICA K. VALLEJO                            |  |
| 20       |                                     |                         | 20       | Subscribed and sworn to on the _____ day of   |  |
| 21       |                                     |                         | 21       | _____, 20____ before me,                      |  |
| 22       |                                     |                         | 22       | -----   |  |
| 23       |                                     |                         | 23       | -----   |  |
| 24       |                                     |                         | 24       | Notary Public,                                |  |
| 25       |                                     |                         | 25       | In and for the State of _____                 |  |

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|   |   |
|---|---|
| <p style="text-align: right;">Page 245</p> <p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5 _____</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10 _____</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15 _____</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20 _____</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 YESSICA K. VALLEJO</p> <p>25</p> | <p style="text-align: right;">Page 246</p> <p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5 _____</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10 _____</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15 _____</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20 _____</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 YESSICA K. VALLEJO</p> <p>25</p> |
|---|---|